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THE HASTINGS COMMUNITY

SUMMER 1985

REPORT FROM THE DEAN

—By Bert S. Prunty

The first half of 1985 has been an eventful period for all of us at Hastings.

On February 3 we experienced a profound loss and the end of an era in the death of Harry Halford Hastings, a valued member of our Board of Directors and great-grandson of Serranus Clinton Hastings, our founder and the first Chief Justice of the State of California. Harry Hastings was appointed to the Hastings College of the Law Board of Directors in 1966 to fill the seat reserved for descendents of our founder. Educated in England, he was a breeder of thoroughbred horses and collector of antique motor cars. He was proud to be a member of an "Old California Family", and showed that pride by participating in the Society of California Pioneers and the California Historical Society. His portrait hangs at the entrance to the board Room at 200 McAllister alongside other members of his distinguished family. Harry was a man of grace and commitment. He will be missed.

In a happier vein, the college art collection has grown dramatically in recent months. Hastings is now the home of twenty-six outstanding works by Norman Rockwell. This extraordinary acquisition was the result of gifts and extended loans from the collection of Stanley Bernhard. The Rockwells will be exhibited in the Hastings Art Gallery and Alumni Reception Center beginning October 3. This gala opening will be accompanied by a silent auction sponsored by the Hastings Volunteer Association, the proceeds of which will be used to refurbish the student lounge at 200 McAllister. Hastings' other recent art acquisitions include eleven oil paintings by Elizabeth F. Brown, donated by Leonard Worthington of our Board of Directors, and over 40 strikingly beautiful pieces of pottery by the well-known Japanese ceramicist Seigo Kondo. These valuable art works are being assembled by the International Academic Center and the Japanese Ceramic Art Association in cooperation with the Japanese Foreign Ministry. They are expected to arrive at Hastings early this fall. Finally, I am pleased to mention the three large colored photographs by Phillip McKenna donated by the Hastings Volunteer Association and displayed in the lobby of 200 McAllister. Other works by McKenna are represented in the photographic collection of the Getty Museum in Malibu, California.

Much excitement again accompanied our graduation ceremony where Juris Doctorates were conferred on 417 proud and happy graduates. This year's commencement speaker was Peter V. Ueberroth, Commissioner of Baseball and organizer of the 1984 Summer Olympics. Many graduates showed their support of Mr. Ueberroth by wearing the baseball caps of their favorite teams with their robes, and waving those caps in greeting of the speaker as he began his address. The 1066 Foundation added to the graduation festivities by honoring Mr. Ueberroth at its annual dinner, held this year on commencement eve, and attended by over 200 alumni and friends of the College.

Following commencement I was able to spend a brief time with our alumni on the east coast where I attended an Alumni Association reception at the recently restored National Press Club in Washington, D.C. The reception honored ten alumni who have distinguished themselves and Hastings at the highest levels of our government. Hastings alumni now include four members of the United States House of Representatives, William E. Dannemeyer '52, Robert T. Matsui '66, Charles Pashayan, Jr. '68, and Norman D. Shumway '63; an Assistant Attorney General, Lois H. Herrington '65; and a Cabinet member, John S. Herrington '64, Secretary of Energy. I also attended our new Ventura County, California, chapter reception for Appellate Court Judges and Hastings Alumni, Richard W. Abbe '53 and Steven Stone '61.

On June 15 I had the honor of participating in a dinner for the George R. Moscone Scholarship Fund. The family and friends of the late Mayor Moscone, a Hastings alumnus, class of '56, chose Hastings College of the Law as the best place for a memorial of their beloved husband, father and friend. The Moscone Scholarship will be awarded to Hastings students best exemplifying the ideals to which Mayor Moscone dedicated his life. 1,000 friends and admirers attended the Scholarship Fund Dinner which featured special guest New York Governor Mario Cuomo.

In furtherance of my goal of new efforts in student and community relations, I am pleased to announce the addition to our staff of Patsy Oppenheim, formerly of the University of San Francisco, in the new position of Director of Student Services, and Lynne Newhouse Segal, Hastings class of '80, as supervisor of our alumni and community relations activities.

The additions to our faculty for '85-'86 are impressive. Returning to Hastings are Julius Stone, of the University of New South Wales in Australia, as Distinguished Professor of Jurisprudence and International Law, and Samuel D. Thurman, formerly of Stanford and the University of Utah. We are proud to welcome the distinguished Olin Browder of the University of Michigan, an expert in property law, and Shinchiro Michida, formerly Dean of Kyoto University, a specialist in commercial law. We are also very pleased to be joined by Deborah A. DeMott, of Duke University, Harry Gene Prince, currently with the United States Department of State, and Leo P. Martinez, Hastings '78, currently in private practice in San Francisco. Mr. Martinez distinguished his student career at Hastings by serving as managing editor of the Law Journal, LEOP tutor, and member of the Order of the Coif and the Thurston Honor Society.

On September 30 the Alumni Association will hold its annual luncheon at the California State Bar Convention in San Diego. We welcome the attendance of all Hastings alumni and friends. Reservations can be made through the Alumni Relations Office.

I foresee a dynamic year at Hastings and hope that you, our alumni and friends, will visit our exciting new campus soon.



Lois Haight Herrington '65

“The Victims of Crime”

By Lois Haight Herrington

*U.S. Assistant Attorney General and
Former Chairman of the President's Task
Force on Victims of Crime*

The people of this nation are concerned and they're becoming angry. They know they are vulnerable, and they are fearful. They see an appalling level of violence. Many have changed their lifestyles, put their children in private schools and no longer go out at night. They have moved away, abandoning large parts of cities in search of safety.

If they are victimized they suffer the immediate crime and then may be victimized again by the criminal justice system to which they turn for help. They lose time from work; sit for hours in hallways; and are often the objects of threats. They see their attackers walk out of court due to technical problems or without explanation placed on probation rather than jailed. Many times they are never told about the resolution of their case and when they inquire they're told that a plea bargain resulted in a light sentence because the system was too busy to try the one who robbed them or broke into their home. They see repeat offenders go through the revolving door of the penal system. The United States is a nation of laws. Yet if laws are to be obeyed, they must be respected; to be respected, they must be just. A system that fails to be equitable cannot survive. The American system was designed to be the fairest in history, but it has lost the balance that has been the cornerstone of its wisdom.

Two years ago President Reagan established the President's Task Force on Victims of Crime and charged it to examine the problems faced by victims and the measures that could be undertaken to address them. The professionals in the criminal justice system are, quite naturally, concerned with their own role in it. Yet the Task Force found that in their great desire to get the job done they often forget that virtually every case they see begins as the personal tragedy of an innocent victim. For too long the victim has been treated as evidence to be brought to court just like blood samples and latent fingerprints and diagrams. The criminal justice system has lost sight of the fact that these citizens are the aggrieved parties in the case - in need of representation, reparation and simple recognition.

The Task Force held hearings across the United States, speaking to more than 1,000 people and corresponding with thousands more. It listened to judges, police officers, prosecutors and defenders, doctors and counselors. But most importantly, it talked with victims. These brave people who survived attack and injury, who reported to the police, who came forward to help the system, came forward again - often at the risk of reprisal or embarrassment to relive their tragedy so that others might learn from it.

What the Task Force did learn was appalling. The treatment of victims in this country is a national disgrace. With the best of intentions society has protected the rights of the criminal while treating victims as grist for the impersonal mill of the system. The system has lost sight of its founding purpose - to protect the innocent and punish the guilty. Instead, it too often serves the needs of lawyers, defendants, and judges, while ignoring, mistreating and even blaming the victim.

Such blame is not only unjust it is unwise. Time after time, bright, responsible, concerned citizens told us that if given the choice again they would cut their losses and not get involved. As one woman said, "I will never forget being raped, kidnapped and robbed at gunpoint. However, my sense of disillusionment with the judicial system is many times more painful. I could not in good faith urge anyone to participate in this hellish process."

What a terrible comment on the system designed to do justice. Thus like a pebble dropped in a pool the embitterment of victims such as this one spreads resentment through entire communities. Victims tell their families and friends, "Stay away from the courts. They can't help you and they don't seem to want to. They'll eat up your time, subject you to reprisal, then call you a liar or vengeful and ignore you."

It is known that more than half of all violent crime - nearly three million offenses every year - is never reported to the police. People are afraid, yet without their cooperation, criminals cannot be removed from the streets and held accountable for their actions. If not for the sake of justice and simple human dignity; then for hard pragmatic reasons, it is crucial that these victims be treated with compassion.

In the battle to fight crime, millions of dollars have been spent attempting to find its cause. Is it unemployment? Is it violence on television? Is it a case of bad genes? The studies are inconclusive and even contradictory. It is time for society to shake itself out of the naive delusion that to fight crime, it should singlehandedly focus its efforts on the offender. If an answer cannot be found for what breeds violence in society, the nation should at least strive to aid the people whose lives it shatters.

With that goal, the Task Force made 68 recommendations in its report to the President. In addition to addressing the police, prosecutors, judiciary and parole boards, these proposals call for legislative reform and action by the people outside the criminal justice system as well. The schools, the ministry, the private bar, the medical and mental health communities and private businesses all must recognize and respond to the pain experienced by crime victims.

While other branches of government and the public at large must implement changes, the members of the legal profession are the ultimate arbitrators, the gatekeepers of the temple of justice. In light of their pivotal role, the following discussion will focus on some of the recommendations of the Task Force made with regard to the practitioners of the law.

The problem begins when law schools teach that victims and witnesses are

just pieces of evidence to be brought in to court, questioned and dismissed. But victims are the focal point of the trial. It is their experience which sets the activity of the courts in motion. It is from them that the court's authority derives. A criminal case is not a win-lose contest nor is it an elaborate ritual in which professionals merely meet a set of technical requirements. It is a search for the truth.

Advocates for both sides of criminal litigation have a duty to give their clients the best and most effective representation possible within ethical bounds. Advocates for both sides must be constantly alert to protect the system from abuse. In the course of the Task Force's nationwide hearings, victims addressed eight major areas in which abuses occurred: plea bargaining, preliminary hearings, investigation techniques, continuances, restitution, sentencing and the treatment of child victims.

Plea Bargaining

Many aspects of plea bargaining, including the manner in which it is conducted, disturb victims. Although prosecutors must realistically evaluate cases, they should not agree to improperly lenient dispositions solely to dispose of cases that will be difficult, inconvenient, or unpopular to try. Defense attorneys should deal directly with the prosecutor. It is inappropriate to engage in unsolicited ex parte discussions with victims to urge them to agree to a proposed plea bargain. Neither side should converse with the court about a plea bargain without the presence of opposing counsel.

Preliminary Hearings

In addition, advocates for both sides must avoid using preliminary hearings in ways that improperly affect victims while failing to serve the ends of justice. It is unjust and inhuman for the defense to use such a hearing to intimidate or embarrass a victim with the hope that he will refuse to participate further. Likewise, prosecutors should not unnecessarily subject victims to such a process simply to test how they will perform as witnesses. Victims should not be required to testify at the preliminary hearing. At this initial examination of evidence whose purpose is only to determine whether or not there is enough evidence to prosecute the case, there is no Constitutional right of confrontation. The sufficiency of hearsay evidence at a preliminary hearing is firmly established in the Federal courts as well as a number of local jurisdictions.

Investigation Techniques

Outside the court setting, attorneys must bear the responsibility of ensuring that the agents they employ behave ethically. The Task Force heard repeatedly of instances in which investigators for the defendant sought to hide their identity by telling victims they worked for the county or were investigating their case. The victims were led to believe these individuals were gathering evidence to be used against, not for, their victimizer and often responded innocently to ambiguous or leading questions without benefit of counsel. Such deceptive conduct should not be tolerated.

Continuances

Continuances are another major problem for victims. Once they become involved in the system they are often called to appear repeatedly only to have the case postponed or to sit and wait for hours or even days before they actually testify. While most officials appreciate that experience as inconvenient, they are apt to forget how serious a problem it can pose.

Many victims must lose a day's wages or pay a babysitter each time they come to court. Others run through sick leave or vacation time in order to cooperate with the system. Still others are passed over for promotions or even lose their jobs because of repeated absences. Small business people, favorite targets for robbers, can be particularly hard hit. As Robert Grayson, Chairman of the New Jersey Council on Crime Victims, told the Task Force: "To be a victim at the hands of the criminal justice system is an unforgiveable travesty. It makes the criminal and the criminal justice system partners in crime."

The solution to this problem is simple. In this era of communication and rapid transit, it is more equitable, more efficient and less burdensome to allow victims and witnesses to remain at their jobs or in their homes until it is clear that the case will not be continued and the time for their testimony is reasonably imminent. A professor at the University of Maryland pointed out that if people invested their money the way victims are asked to invest their time, society would go broke.

Child Victims

The values of society and the seriousness with which they are held can be measured by the penalty imposed when they are violated. Using this standard, it seems children have been held in very low regard. While child offenders are handled with special care by the juvenile justice system, child victims are given little consideration and protection. In fact, they can endure a more harrowing experience because their credibility is continually at question. Meanwhile, those molesters who prey upon children are sentenced to out-patient therapy. They are then free to strike again and again in their communities. Yet mental health professionals say that there is no known successful treatment for pedophilia. It is abnormal, but is also chosen behavior and should be punished as such. The only response to this horrible crime is to sequester child molesters from any potential prey. They should be allowed to seek therapy while in custody, but wherever they are held, they must not be released until they have served a sentence commensurate with raping and ruining the lives of children.

These recommendations are but a few of the 68 reforms proposed to ease the frustrations that innocent citizens encounter when a criminal's act pulls them into the justice system. The proposals are not easily implemented; they require much more than a bit of putty to patch the fissures here at pre-trial and there at sentencing. They are as complicated as complete rebuilding of a set of delicately balanced truths for justice. But the reforms are also as elementary as simply showing empathy for the human impact of a crime -- understanding the horror, confusion and frustration faced by millions of innocent victims through no fault of their own.

The victims who appear before the court are honest, law-abiding citizens who have come forward often at great risk to help in the search of truth. They are the human face of the society the criminal justice system seeks to serve. They should be treated with compassion. Their views should be heard. They need the legal community's help in understanding the actions of the criminal justice system. Attorneys have an obligation to their clients, to their profession, and to justice itself. They are obligated to use their expertise to guarantee that the system does not stray from the principle that lies at the heart of the law: justice for all.

Sentencing

Balancing competing interests and equities in determining a sentence requires Solomon-like wisdom. And even Solomon heard from both sides. When the court hears from the defendant, his attorney, his family and friends, his minister and others, it seems only fair that the person who has borne the brunt of the crime be allowed to speak. It is he who looked down the barrel of the criminal's gun and who must reconstruct his life in the aftermath of the crime. Prosecutors have a responsibility to ensure that victims of violent crime are informed of the pre-sentencing processes, that victims have the opportunity to have the consequences of the crime reflected in these reports, and that victims have the opportunity to appear and be heard at the time the sentence is imposed.

The goal of victim participation in sentencing is not to pressure justice -- but to aid in its attainment. A judge cannot be expected to make a balanced decision without hearing from both sides. In the words of John Locke, "He that judges without informing himself to the most that he is capable, cannot acquit himself of judging amiss."

Restitution

Restitution is another means that serves justice and helps the victim recover from the crime. It seems ironic that this notion is spoken of as if it is a new-fangled concept. The fundamental tenet of civil law is to make the innocent person whole again, and that expense should be borne by the person responsible for the loss. It should be no less true for criminal law. The Task Force recommended that absent a compelling reason to the contrary, restitution should be ordered in all cases in which the victim has suffered a financial loss. And so that due process procedures are upheld, if there is any doubt of the accuracy of the victim's statement, the defendant should have ample opportunity to present evidence at the sentencing hearing.

The limitations of restitution must be recognized. Its order cannot be made unless the offender is caught and successfully prosecuted. Many times the criminal has no resources or may not be held accountable by the court for making payments. Years may pass before complete restitution is paid. However the court must take caution before accepting excuses for nonpayment: one victim said, "I had to sell my car to pay for my medical bills due to injuries inflicted by the defendant. He drove his car to his probation appointments."

The system spends billions of dollars for the food, clothing, shelter, education, legal counsel, medical care and psychiatric help for the accused. Yet little or nothing is done for the honest citizen who has suffered at the criminal's hands. For this reason, President Reagan recently signed The Victims of Crime Act of 1984. The legislation will offer up to \$100 million to states for their victim compensation funds and victim assistance services. The source of revenue will be Federal criminal fines not innocent taxpayer dollars.

One other Task Force recommendation addresses a problem which most members of the criminal justice system and the community have been reluctant to face: the sexual molestation of children. The Task Force felt very strongly that prosecutors, defense attorneys and judges must recognize the devastating impact of sexual molestation on children and handle the cases accordingly.

The victim, no less than the defendant has a right to a speedy trial. Not only can a charge become more difficult to prove as a case ages, the victim cannot truly put the experience behind him until the case is over. Knowing that they will have to face a room full of strangers and relive the attack as well as often having to repeat the facts of the crime over and over as a case is handed from prosecutor to prosecutor keeps a terrible memory fresh and menacing. It is very difficult to get emotionally and sometimes physically ready to testify only to be told again and again that the case has been put over. One victim echoed the experience of many when she said, "Each time after a continuance, I would sink back down in the hole. I spent two years not knowing what was going to happen to me."

Another witness reminded the Task Force that what lawyers perceive as an inconvenience becomes for the victim an endless nightmare. Naturally, some continuances are unavoidable but they must always serve, not hinder, the administration of justice. Prosecutors should not seek continuances that will inconvenience the victim and jeopardize the success of the prosecution to accommodate their own schedules or to avoid a difficult case. Likewise, it is not a legitimate defense tactic to delay the adjudication of a case repeatedly in the hope that witnesses will be unavailable or that their memories will fade. Judge Marilyn Hall Patel of the Federal Bench of San Francisco told the Task Force, "Judges should take responsibility for explaining to the victims the reasons for the continuances. I suggest that where a judge is required to explain those reasons to a waiting victim the reasons will often appear less persuasive."

In the courtroom, one procedural accommodation would greatly ease victims' experiences and give them a better understanding of how justice is done in their case. Unless their presence would jeopardize the proceedings, the victim and a member of the victim's family should be permitted to attend the trial, even if they've served as witnesses. Granted, one way to maintain the integrity of the truth-finding process is to bar witnesses from the courtroom, so that what they say on the stand will not be influenced by what they have seen in court. Yet the defendant naturally has the right to be present even though he may testify. The victim, no less than the defendant, has a legitimate interest in the fair adjudication of the case. It is unjust to deny a person entrance to proceedings which will decide the outcome of what was probably the most earth-shaking event of his or her life.

With a conviction comes the awesome responsibility of imposing sentence. The decision will have substantial consequences not only for the defendant but for the victim and for the community whose values the penalty will reflect. Cardoza once said, "The sentence of today will make the right and wrong of tomorrow."

LOIS HAIGHT HERRINGTON, Class of '65, is the Assistant U.S. Attorney General for Justice Assistance. She previously served as Chairman of the President's Task Force on Victims of Crime. The following article was written for the Hastings Community and is based on the task force's January 1983, report.

Mrs. Herrington resides in McLean, Virginia. She is married to John S. Herrington, Class of '64, and current U.S. Secretary of Energy. They have two daughters, Lisa Marie (age 18) and Victoria Jean (age 16).

FACULTY

Hastings Associate Professor D. Kelly Weisberg, a faculty member for almost three years, is a sociologist as well as a lawyer. Following completion of her Ph.D. in sociology (Brandeis University 1976), Professor Weisberg turned her attention to the study of law and first became aware of sexual child abuse as a student at Boalt Hall, U.C. Berkeley. "Today sexual abuse is front page news, but back in 1976, it was a topic few people talked about," she notes. A winner of a Boalt Hall summer research grant, she explored juvenile court processing of sexual abuse cases in Santa Clara county, where pioneering work was being done by the Juvenile Probation Department, and the Child Sexual Abuse Treatment Program. Her research led to an article on experts' role in legal policy formulation (18 *U.C. Davis Law Review* forthcoming) which explores the cyclical nature of the law's response to sexual abuse, alternating from punishment to rehabilitation.

The International Year of the Child (1979) found Weisberg in Geneva, Switzerland, pursuing her interest in the legal rights of children. As an intern for six months in Geneva with the International Commission of Jurists, she researched several topics relevant to children's rights, including detention of juveniles in adult jails, and proposals to improve children's legal status on an international level. She contributed an article that year to the *International Commission of Jurists Review* on the evolution of the rights of the child, and an address for the Warsaw Seminar, an international conference for jurists and legal scholars on the rights of the child.

Following completion of law school in 1979, Weisberg's previous work on sexual child abuse landed her several consulting jobs on research projects. She studied sexual exploitation of juveniles for the National Juvenile Justice Assessment Center's American Justice Institute, and later joined Ursa Institute, a San Francisco-based social policy consulting firm. As Legal Analyst and Senior Research Methodologist for that firm, she participated in research on several major studies involving children's rights.

One of the first projects Professor Weisberg worked on for the Institute in 1980 involved a study of child abuse funded by the National Center on Child Abuse and Neglect. She conducted research on child abuse and sexual abuse as one of a team of federal evaluators of four national child sexual abuse clinical demonstration projects. That research explored the relationship between sexual abuse and other aspects of family violence; the placement of the victim after identification of sexual abuse; and the relationship between sexual abuse, venereal disease, pregnancy and abortion. Weisberg also designed and conducted a study on the extent of revictimization of sexual abuse victims by extrafamilial and intrafamilial offenders.

In addition, she conducted research on adolescent prostitution from 1979-1982 for a project funded by the Youth Development Bureau (the federal agency charged with administering the Runaway and Homeless Youth Act); research that involved a study of adolescent prostitution in seven cities, focusing on the relationship between adolescent prostitution, running away, child abuse, sexual abuse, and other forms of sexual exploitation. This work is discussed in Professor Weisberg's article on the adequacy of statutory treatment of juvenile prostitution (12 *American Journal of Criminal Law* 1, as well as her recent book *Children of the Night* (Lexington Books, 1985). As a result of her work on adolescent

prostitution, Professor Weisberg was asked to testify on the problems of runaway youth before the Subcommittee on Juvenile Justice, Committee on the Judiciary, of the U.S. Senate.

In 1980, Professor Weisberg joined the law faculty at Washington University, St. Louis. For two years she served as an assistant professor there, teaching family law, children and the law, torts, trusts and estates, and restitution. Many weekends she spent commuting from St. Louis to California to join her husband, a professor of astronomy and astrophysics at the University of California, Santa Cruz. "Any time a colleague needed a flight to the West Coast, they always knew who to ask for flight schedules!" she jokes.

Professor Weisberg has recently turned her attention to studying the role of children in divorce and custody mediation. Last year she attended a five-day intensive workshop on mediation sponsored by the Mediation Training Institute and this semester she was one of 16 recipients to be awarded a small grant from the National Institute for Dispute Resolution to pursue further studies on that topic.

In addition to her interests in children and the law, she also has conducted research on women and the law. Author of a study of women on law faculties (30 *Journal of Legal Education* 485), she later consulted on the American Bar Association Women on Law Faculties Study funded by the National Institute of Education. In addition, she has authored an article on the history of women lawyers in the United States from 1870-1890 and edited two books on women and the law which examine the topic from a social historical perspective (*Women and the Law*, vols. 1 and 2, Schenkman Publishing Co., 1982).

Her work on women and the law gives her an excellent vantage point from which to comment on the status of women lawyers. "I think women lawyers have been making great gains since the 1970s when they first entered the legal arena in large numbers. Some of the changes are quite visible—for example, increased numbers of women litigators, the shift of women from federal government positions to the corporate world and Wall Street."

However, Professor Weisberg is not altogether sanguine about future progress of women in the profession. "Progress in some areas will undoubtedly be slow. For example, partnerships are only beginning to open up to women. And, I think we'll have to wait a long time before we see another woman on the U.S. Supreme Court."

Speaking of Hastings' history regarding women lawyers she notes, "Hastings has a lot to be proud of. Not only were we one of the first law schools to admit women in the 1870's, but our recent record has been outstanding as well. Each year our percentage of women law students has far surpassed the national average. Few law schools today can boast of a century of women in legal education!"

Hastings is pleased to have Professor Weisberg as a member of the faculty.



Professor D. Kelly Weisberg

FACULTY NOTES

Professor Louis B. Schwartz has appeared on KQED, KTVU and KRON TV discussing legal topics. He also was taped for a McNeil-Lehrer National TV discussion of the California Court fight which was scheduled to air June 5th or 6th. His article, "Diversification and Regulated Industries— What's next for the telephone holding companies?" will appear in the Hastings Journal of Communications and Entertainment Law (COMM/ENT) summer issue 1985. His continuing participation in the controversy over the "Critical Legal Studies" movement carried forward in a front-page article in the National Law Journal, February 11, 1985, entitled, "A Scholarly War of Words Over Academic Freedom", in which he was featured. The same controversy was featured in the Journal of Legal education for March 1985, which published correspondence of eight professors, including Professor Schwartz, under the caption "Nihilism and Academic Freedom".

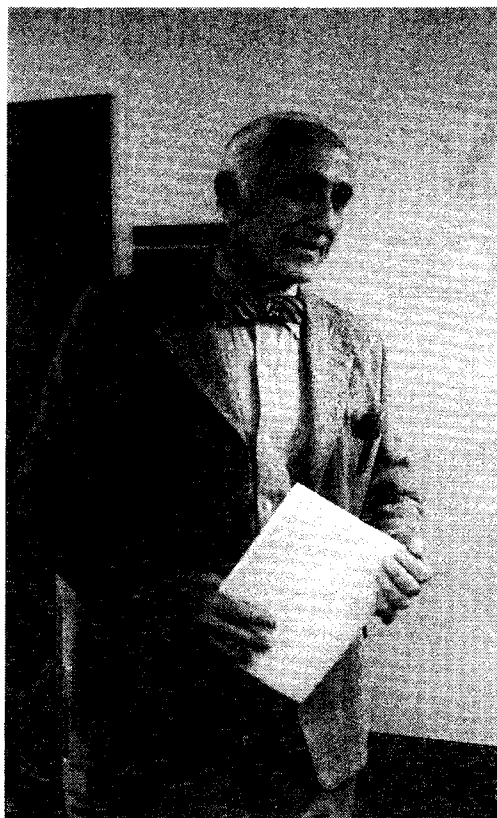
Professor Kevin Tierney reports, "In 36 *American Heritage* 37 (December, 1984) the book critic and historian Alden Whitman wrote that the historical event at which he would most have liked to have been present was the 1898 trial of Thomas I. Kidd in Oshkosh, Wisconsin, an account of which he had read in Professor Kevin Tierney's biography of Clarence Darrow. Darrow defended Kidd in a dramatic trial which resulted in an acquittal. William Dean Howells, editor of the *Atlantic Monthly*, said that Darrow's summation in the case was "as interesting as a novel."

New faculty who will be teaching at Hastings for the 1985-86 academic year are:

Olin Browder (Spring) Visitor
Deborah DeMott (Spring) Visitor
Leo Martinez (Year) Permanent
Shinichiro Michida (Spring) Visitor
Harry Prince (Year) Visitor
Julius Stone (Spring) 65 Club
Samuel Thurman (Year) Visitor

PROFILE

Professor Louis B. Schwartz ended thirty-seven years of teaching at his alma mater, the Law School of the University of Pennsylvania, to join the Hastings "Sixty-Five Club" in 1983. The following article is reprinted with permission from the Law Alumni Journal, the Law School, University of Pennsylvania.



"GO WEST, OLD MAN GO WEST"

By Professor Louis B. Schwartz

I have reversed Horace Greeley's famous counsel to American youth and now heartily confirm his wisdom as applied to an old fellow like me. Yielding to the University of Pennsylvania's mandatory retirement rule, I was able to face the parting—not without pain and nostalgia for a lifetime of associations with Philadelphia and the University—with the reassuring prospect of embarking on a second career at the University of California Hastings College of the Law in San Francisco. In short, the experience has been great!

I am not the first Penn Law School Faculty member to join Hastings' "Sixty-Five Club." A generation ago, Larry Eldredge (Professor Laurence Eldredge, '27), pulled up even deeper Philadelphia roots to go west with Hastings. The "Sixty-Five Club" is perhaps Hastings' most distinctive feature. At one time, virtually all fulltime faculty members were retirees from leading eastern and midwestern universities, and many famous names lent luster to the school's image. Presently, the age structure of the faculty is more conventional, with about 20% being "Sixty-Fivers."

Hastings alumni and the California legislature are quite solicitous that this proportion not be reduced. The present stars, with whom I have had the most association, include: **Ray Forrester**, wise, witty and popular—the only man I know who has been dean of no less than three noted law schools—Cornell, Vanderbilt and Tulane; **Rudi Schlesinger**, Cornell's world-famous Professor of Comparative, International and Procedural Law, is brilliant, suave and much in demand as a speaker at student as well as at public functions; and **Jerome Hall**, hale and hearty at age 83, still teaching and writing in the fields of his fame, Criminal Law and

Jurisprudence. **Russell Niles** and **Bill Lockhart**, former deans at NYU and Minnesota respectively, are powers on the Hastings faculty by virtue of perspicacity and personality, not seniority. **Julian Levi**, in his mid-seventies, carries on with undiminished vigor in California the unique amalgam of scholarship, teaching, business and government that characterized his career at the University of Chicago. In addition there is a frequent two-way exchange of professors between Hastings and Boalt Hall across the Bay.

The oldest law school in the west and the third largest in the United States with about 1600 students, Hastings is an excellent school, although it tends to be a bit too large for the tastes of teachers spoiled by the luxuries of Yale, Penn or Chicago. The intellectual give-and-take in Hastings' well-used faculty lounge is lively, and the young faculty are "productive", as we senior academicians still say. Student-faculty relations are predominantly in the mode of mutual admiration, as evidenced by my final class in Criminal Law last spring. A young woman whom I was badgering on substantive issues until the class's closing moments, stood up and declared: "That's enough, Professor Schwartz, we have something to present to you." The students had picked up my repeated teaching theme of "reflection is more important than memorization"; to facilitate my "reflecting" during the summer vacation, they presented me with 1) a beach chair, 2) a beach towel, 3) a wicker basket filled with wine and cheese and 4) an elaborate card characterizing me as "Five Star". I also want to note that my two student "accomplices" in recorder trios are a joy.

San Francisco is dazzling. We have found a superlative (and cruelly

expensive) house on the crest of Russian Hill from which to survey and enjoy the scene. There is a 180 degree view of the entire waterfront: Fisherman's Wharf, Coit Tower on Telegraph Hill and, farther right, the Bay Bridge and the high-rise offices and downtown hotels. Our view to the left takes in Alcatraz Island, the hills of Marin County, and the Golden Gate through which arrive and depart a stately procession of freighters, tankers and white cruise ships, threading their ways among whole fleets of sailing yachts. In our neighborhood, streets swiftly change their characters from the "Live Love-Act" shows of Broadway and Columbus Avenue, past teeming Chinatown with its shop windows displaying roast duck, steaming dim-sum, jewels and junk, to elegant heights where the villas of the rich look out over the Marina. Flowers bloom everywhere during all seasons—in gardens, window-boxes and innumerable shops and kiosks. It is a sensuous town, abounding with exotic restaurants, bake shops, delis and cafes. Wine and liquor are sold everywhere; it sometimes seems that groceries and pharmaceuticals are mere ancillary to grog shops. Massage parlors apparently enjoy wide patronage and compete fiercely in the newspaper classified columns and in the Yellow Pages. The City's Gay community is represented in all phases of everyday life—in the work force, at demonstrations and marches, at social functions, etc.

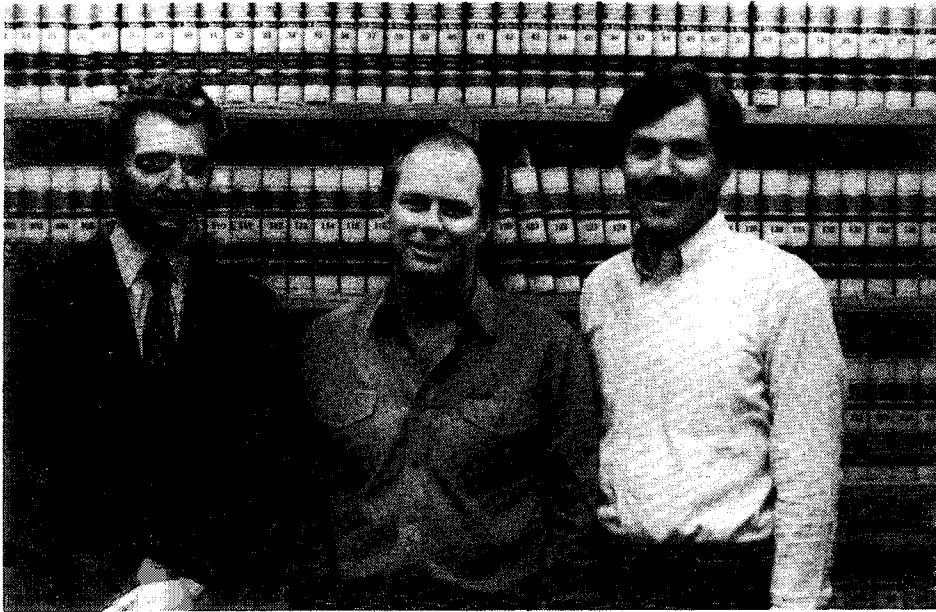
What do I miss from my former environment besides old friends? I miss the University setting with its easy cross-campus links to economists, sociologists, philosophers, writers and artists. I miss Philadelphia's crazy City Hall, the Italian market, the college crews on the Schuylkill River, and some of the City's ancient 18th Century

establishment serenity. I miss the English mansionry of the grand suburbs, the accessibility of the outer suburbs—New York and Washington—and the rural opulence of the Pennsylvania Dutch Country. These will not be forgotten despite such consolations as California's awesome groves of redwood and fir, the magnificent coastal highways, the panorama of vineyards and wineries, and the exotic valleys of almonds, olives and rice leading to the grand wilderness of Mount Shasta. I miss the assurance of being part of the recognizable establishment when I go to a concert, an art show, or a Bar meeting. Here, I am beginning to establish roots by addressing conclaves of lawyers and judges in San Francisco and San Diego; by writing for the law reviews of Hastings, Stanford, U.C. Berkeley; and by interpreting the revolution in telecommunications law in the form of essays for *The Management Journal of the Pacific Bell System*. As you can see, I am definitely "on the make" in California rather than being someone who has "made it" in Philadelphia.

Divided loyalties? Inevitable. Schooling and life do not prepare one for dual loves. Having come west, I must start to think of myself as a Californian, not a sojourning Pennsylvanian.



SKI COUNTRY LAW PRACTICE



Left to right: Jim Simon '74, Jim Porter '72, and Michael Graham '77.

By Kathie Radtke-Hossie

Snow often packs the streets of Truckee, increasing the hustle and bustle in the California resort. Great puffs of steam rise from the lumber mill in winter, seeming to reach as high as the surrounding Sierra Nevada Mountain peaks.

After a recent winter storm, lawyer Michael E. Graham strapped on his cross-country skis and a backpack. From his hilltop home he could see his office downtown. It was morning, and he knew the streets of his sub-division would not be plowed before noon. So he skied to work. It was good exercise, and, besides, he had to meet a client.

Graham, 35, is an owner in Truckee's largest law firm — Porter, Simon and Graham — with six lawyers. One of four in town, the law firm has three shareholders, two associates and a novice lawyer recently hired on an hourly basis to help with the partners' overload.

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The ABA Journal, The Lawyer's Magazine

Verve and gusto

Graham and his partners James L. Porter Jr. and James E. Simon are mountain lawyers who opted for a work-hard and play-hard lifestyle in an area the local chamber of commerce calls "a recreational wonderland." Cases can take lawyers a short distance down the road or over mountain passes 60 to 90 miles away to superior court. Four-wheel drive vehicles are standard equipment.

The lawyers' verve, gusto and enterprise is paying off — they are nearing \$1 million in gross billings. Located 14 miles from Lake Tahoe, the firm counts more than 500 clients in five counties.

En route to this good fortune, however, they've had some \$10,000 years. The threesome has managed to survive in an unpredictable resort economy where businesses can be wrecked by snowless ski seasons and rainy summers, where the poor live alongside the affluent and where some residents move in and out like shoppers in a store. For the most part, law is practiced in one- or two-person firms.

But what sets Porter, Simon and Graham apart in this low-pressure locale is its attitude. "We are very deliberate about being top notch," said Porter, 37, who undeliberately masterminded the success he has today.

"Where most rural attorneys scale down services to keep costs cheaper, we've gone for the best we can afford in staff and equipment in order to provide the best in legal services," he explained.

Like the town, the firm has grown and changed over the past 10 years.

It was Porter, fresh from Hastings College of the Law, who sauntered into what was then Truckee's only law firm in 1973 and asked about a job. He got one. "I joined an existing two-person firm and worked six days a week for \$5 an hour," recalls the professorial senior partner.

Porter had spent his childhood vacations at Lake Tahoe. Finishing law school in 1972, he traveled in Europe for a year, then hitchhiked from New York City to Truckee, the closest interstate exit to his parents' second home in Tahoe. For months he laid back, serving food to the cast of *Godfather II*, then filming on Tahoe's west shore, and when the snow fell, skiing and cutting firewood. His job hunt was nonchalant.

He describes the firm he joined as "country casual." Within a year its founder retired, and Porter continued working for the remaining partner. He recalls that "for the first three years of my practice I made less than my secretary. I was giving away a substantial amount of my time. I lacked the knowledge of how to run a law office. I also had a difficult time charging people \$60 an hour when their problems were worse than mine." Porter was "ready to make a change, but didn't know how to do it."

A pivotal meeting

Porter's turning point came when he was skiing and he met Simon, a 1974 Hastings grad who taught the sport on weekends. Simon, 34, was a San Francisco Bay Area native whose father was a senior partner in a larger firm in Oakland. Simon had spent nearly three years in the litigation department of a large Oakland defense firm, his father's firm's major competitor.

Simon was disenchanted with the anonymity of urban practice. He pestered Porter to hire him as a full-time lawyer on a percentage pay basis. He was hired in 1977.

"I had some experience in 'team working' large civil litigation matters, and I also brought with me an appreciation for research, investigation and preparation common to many large firms," Simon said.

The firm advertised for a lawyer at the Hastings placement office, and the ad was answered by Graham, a 1977 grad. An ex-Navy air traffic controller, he had clerked for two years in a major San Francisco firm that handled plaintiffs' aircraft litigation. After law school he worked in a medium-size firm in the city that combined insurance defense and general business work. He was looking for a rural job opportunity, and he came to the Truckee firm in 1979.

By 1980 all three were partners. They bought out the remaining partner and, at Simon's suggestion, changed the structure of the firm from a partnership to a corporation. Simon got the idea from his hobby of studying new management theories. "As a nonbusiness lawyer, I found the corporation structure easier to understand," said Simon, a trial lawyer.

Porter is president, Simon secretary and Graham treasurer. Each is an equal shareholder in the corporation. Graham has primary responsibility for financial planning and control, but otherwise the three share management duties on a rotating basis. They also share income equally (\$50,000 in 1983), plus occasional bonuses.

"The corporation's more rigid structure makes dealing with business changes easier," Graham said. "There is a built-in ease of continued existence for the firm, and there can be unequal owners who share an equal management voice."

This last aspect has particular importance for 1984 when the associates, John Phelps, 31, and Philip Olsen, 34 will be reviewed for stock ownership. The owners decided during a planning retreat last December that the firm will remain the same size, limiting the number of lawyers to six.

Riding a roller coaster

The firm's practice has followed the resort's roller-coaster economy. A few years ago, for example, Porter's practice focused on California and Nevada real estate, business and construction law. But lately more of the firm's clients are seeking their help with foreclosures. Truckee's snowless winters of the late 1970s were aggravated by the bad national economy. Second home owners and tourists were not spending their time and money on mountain recreation. The townsfolk have needed lawyers for family hardships and bankruptcies. Lately the firm has represented building suppliers — lumber companies, glass and furnishings businesses — in collection matters and in enforcing mechanics liens.

At the same time, Graham's field of corporation, business, tax estate planning and probate work has blossomed.

The firm experimented with representing criminal defendants, and it hired a lawyer to handle the work. The low overhead of the practice was a plus, but that did not outweigh the partners' distaste for criminal law

practice. Today the firm handles only civil cases, and the criminal lawyer works elsewhere.

An admirer of William O. Douglas, Porter has long been interested in environmental law and public interest work. This concern led him and Simon to bring suit on behalf of two local residents challenging Nevada County's approval of the construction of a large shopping center in Truckee. They argued, after attending three years of public hearings, that the development would bring excessive traffic to an already congested area.

They won their point, and the shopping center was built elsewhere. They had taken the case on a pro bono publico basis, but the frosting on the cake came when the county reimbursed them \$13,000 in 1980 under a California statute that permits the recovery of attorney's fees for legal services provided in the public interest.

The firm does well in the court of public opinion. For example, in 1978 the Disney Corp. proposed a major ski resort near Truckee. Porter, representing numerous Sierra County residents, filed suit charging that county officials had violated the state's open meeting law when they considered the project. The suit was dismissed, but it led residents to question the project, which was never built.

The firm recently won a ruling by the Sierra County Board of Supervisors against the construction of a 619-unit subdivision planned by the Occidental Petroleum Corp. in Loyalton, Calif., a small community northeast of Truckee. Porter contended that the development would ruin the town's water supply and infringe on a major grazing area for deer. "We won that case by rallying local residents, hiring experts and convincing local government that the project would cost them money," he said. For their efforts, the firm received \$500 and a scenic picture of Sierra County.

Historic office

The law firm is housed in a building that was the Masonic hall at the turn of the century. Porter and Simon are each one-fourth owners in the building, in which they have invested heavily over the years by renovating and expanding their offices on the second floor. Ownership has guaranteed them a permanent spot in historic downtown, where few options exist for new construction.

The building partnership has long-term leases with two restaurants, a retail store, an architectural firm, a photo studio and the law office. Besides all the tax advantages, Porter and Simon find the ownership provides "a built-in objectivity" of fairness toward tenants as well as stable rent.

The firm has succeeded because "we share a similar work ethic," said Porter, who like his colleagues, avoids long lunch hours and works 10-hour days. "We work hard and we play hard. Most people live and work in one area and travel to another for vacation. We do it all right here." Porter enjoys duck hunting, stream fishing, sailing, camping and skiing.

A bachelor, he refuses to work on weekends, preferring instead to put in long nights as demanded. He does find time to write a bimonthly local newspaper column on law. And he helped organize local drug and alcohol counseling groups and recycl-

ing center. He and Graham teach business law at nearby colleges.

Simon, who loves to wind surf in the summer and has tried such new sports as snow boarding, prefers to work on Saturdays. He and his wife are both "work-oriented" but do not consider themselves workaholics. Simon is the charter president of the Tahoe Truckee Bar Association, a bistrate, three-county group the firm helped found two years ago.

Graham, married to a self-employed bookkeeper and the father of two preschool boys, regularly works at home in the evenings after family time. He sometimes adjusts his office hours to make time during the week for family shopping and fun. An outside activity is conducting estate planning seminars.

Porter is conservative, while Simon and Graham are risk-takers. The trio work well together because, as Porter puts it, "We all have equal levels of confidence in ourselves and each other. We feel a certain responsibility to each other."

A motivated staff

So important is the combination of work and play that each year the firm schedules two staff outings (with pay) — a winter ski day and a summer boating party.

Incentive is high for the staff, who have the security of year-round work in a transient community, good wages and profit-sharing. Turnover is low. Employees have chosen the same lifestyle as their employers in a town where there is limited chance to do so.

Both full-time and flexible hours are accommodated among the staff. The two flexible hour employees are secretaries. One works a six-and-a-half-hour day, the other is absent two mornings a week.

Everyone, including the five secretaries, the receptionist and the bookkeeper, has a voice in how the firm is run. The partners retain the decision-making authority, but at monthly meetings every employee, including the file clerk, can attend and make suggestions.

Associates have a choice of being paid a salary or taking one-third of their net receipts. The firm covers expenses such as costs advanced, promotion, mileage and seminars.

The firm has found, according to Simon, that the percentage method of compensation "works best for young attorneys who are having a difficult time getting started. It seems to give them an incentive to bring in new accounts and work an occasional weekend or two."

Each lawyer strives to bill six to seven hours a day, "but as the firm grows, so do the administrative responsibilities, which cut into billable time," said Porter.

"The sophisticated business clients who live in this area have traditionally used Bay Area and Sacramento lawyers. We are breaking that mold by providing high quality local legal services," added Porter, who has witnessed Truckee upgrade its business standards in the last five years to meet the demands of a growing, more affluent population.

Big-city fees

As a result the firm is able to charge big-city fees. General practice fees range from \$90 to \$125 per hour.

Governmental agencies are charged a reduced fee of \$75 per hour.

Like many local lawyers, however, the partners have been willing to barter their skills for goods with clients who needed help but couldn't afford the fees. Thus there is the antique furniture in the office, apples on Porter's desk and winter wood at Graham's house.

For fiscal 1982-83, the firm's gross billable percentages broke down this way: business/corporate/labor, 30 percent; construction, 10 percent; personal injury, 15 percent; trusts/estates/wills and probate, 15 percent; public agencies, 10 percent; and, real estate, 20 percent. Payroll plus benefits for the staff of eight women exceeds \$190,000. Overhead, including associates' percentages, absorbs 60 to 70 percent of the revenues.

Six years ago the firm was the first in the area to lease a computer system. But it discovered that the system was not legally oriented, and the firm quickly outgrew it. The firm switched to an Alpha System 7 with Basic language, now used for billing. The cost of making this inappropriate move was \$5,000 plus a \$30,000 investment for the Alpha system.

Two years ago the firm spent \$20,000 for two IBM Displaywriters with a printer for word processing, which it says has kept the firm very satisfied.

Use of four terminals is rotated among the staff in six time slots of three and a half hours each. At any given time of the day someone is working in the computer room. A goal is to buy a terminal for each secretary.

Ski litigation

Personal injury matters are previewed by the litigation team of Simon, Phelps and Olsen. Previously these cases were accepted independently. Prior evaluation "helps determine the value of a case, its strength and weaknesses, and possible theories of liability," said Simon.

Ski litigation is growing for the firm, which is located near 11 Alpine and numerous Nordic ski areas, including nationally known Squaw Valley and Alpine Meadows.

All the lawyers in the firm ski. They know the sport well and are familiar with the variety of terrain, equipment and levels of ski resort operation.

While it doesn't necessarily make them popular in town, the firm handles a substantial number of ski-related cases exploring new theories of product liability. They have become increasingly concerned about the safety of the sport.

On March 31, 1982, an avalanche suddenly roared down on Alpine Meadows hours after the resort closed because of bad weather. The greatest thrust of snow demolished a building used by ski personnel and for avalanche rescue equipment. Seven died, and the sole survivor was Anna Conrad, a ski lift operator. She was rescued five days after the tragedy.

Conrad was hospitalized in Truckee for several months. One of her legs was amputated below the knee, the other at the foot, and her medical expenses alone exceeded \$100,000. She required continued medical care and physical therapy.

When she decided to file suit against the ski resort, Placer County and Southern Pacific Land Co., friends referred her to Porter, Simon and Graham.

In San Francisco Superior Court, Porter and Simon contended that the ski area deliberately sited the building in the path of known slides and previous avalanches. Late in 1983 serious negotiations were begun, and the case was ultimately settled in January 1984. The terms of the settlement have been sealed under court order. "We expected that the case in court would have been precedent setting," said Porter, adding that "having an attractive client who survived five days in the snow puts you at an advantage. But we did confirm that a small, well-organized firm can handle major litigation. We carried that attitude and maintained an aggressive posture."

Weathermen frequently call Truckee "the coldest spot in California." But for Porter, Simon and Graham, it's definitely a hot spot.



Gail Winson Associate Librarian

LIBRARIES WITHOUT WALLS

By Gail Winson
Associate Director, Hastings College
of the Law Library

At Hastings we are very fortunate to have spacious and pleasant physical facilities in the law library. Shelf space, work areas, and seating capacity are more than adequate. But today's library is more than the sum of its physical parts. Computers have helped to create libraries without walls in which the role of the librarian is not only a custodian of books, but also a provider of information. Librarians and researchers today have many aids which help them reach out beyond the library wall for the information they need.

In the early to mid-1970's LEXIS and WESTLAW introduced many law libraries to the power of the computer, allowing researchers to use any significant word, phrase, or number as an index term to retrieve the full text of court decisions. Computerized searches yielded more current results and eliminated the need to check numerous printed updates. A wide variety of legal materials are now online, including citators; federal rules, regulations, and agency decisions; state attorney general decisions; law reviews; looseleaf services; foreign and international law; and treatises. Many legal researchers have discovered that in addition to LEXIS and WESTLAW, there are also useful non-legal, or law-related computerized databases which contain factual information on corporations, current affairs, medicine, patents and trademarks, and many other topics.

An increasing number of law schools are taking advantage of these computer-assisted research services by tying all microcomputers on campus into local area networks. With a mini-computer, microcomputer terminals, and a dedicated phone line to St. Paul, Minnesota, each professor has the capability of searching the WESTLAW "library" in his or her office. The same terminal can become an independent workstation for word processing or spreadsheet functions.

During the 1970's law libraries were initiating other computer services which were perhaps not as visible as LEXIS and WESTLAW. These services supported the "back-office", technical functions of the library. For instance, to assist in the task of cataloging, large national, shared databases were created so that catalog cards could be ordered online rather than typed laboriously by hand.

It is now recognized that these bibliographic databases also have a significant reference function. They can be used to compile subject or author bibliographies and to locate publications not contained in the local library collection. Through electronic mail, one library can send a request to another library to borrow that material on interlibrary loan. Some periodical articles can now be ordered online directly from a vendor who will send the article or other document through the mail.

Use of the bibliographic databases which I have described in the last two paragraphs depend on long distance communication with a centrally-located mainframe computer. There is now a trend toward in-house computer systems for all of the library's technical services. Moreover, these systems integrate technical services with such "public" functions as the card catalog and circulation procedures.

The Hastings Law Library has purchased a system called Innovacq which maintains the on-order file, automatically encumbers and charges appropriate funds, produces financial reports, and holds all of the library's serial check-in records. This system is being expanded so that it can also replace the public card catalog. Potentially, faculty and students can search the library's bibliographic records and determine the library's holdings from terminals placed throughout the library and in locations outside the library.

As developments traced above indicate, information storage media have expanded from paper to magnetic forms such as computer tapes and floppy disks. Today there is another, more advanced, storage medium on the horizon, the laser videodisc. A twelve-inch videodisc, similar to a sound recording in appearance, has the capacity of more than 3,000 floppy disks and is versatile enough to store digital data, audio, still and motion video images. A product already on the market called MARVYLS, contains all of the bibliographic records in the library of Congress shelf list on a few videodiscs.

Law libraries aren't what they used to be. Technology has changed the ways in which information is obtained and stored and the concept of what information is. Researchers are no longer limited by the books within the walls of the library.

LAW OFFICE AUTOMATION

Selective Bibliography Compiled By
Linda M. Weir, Public Services Librarian

The information in this bibliography was obtained from two computerized systems used by the library for cataloging and reference services:

- 1) The On-Line Catalog Library Center (OCLC) contains bibliographic information on the collections of research libraries throughout the nation.
- 2) The Washington Library Network (WLN) represents library collections in the Western United States and has the added feature of subject searching capability on its bibliographic database.

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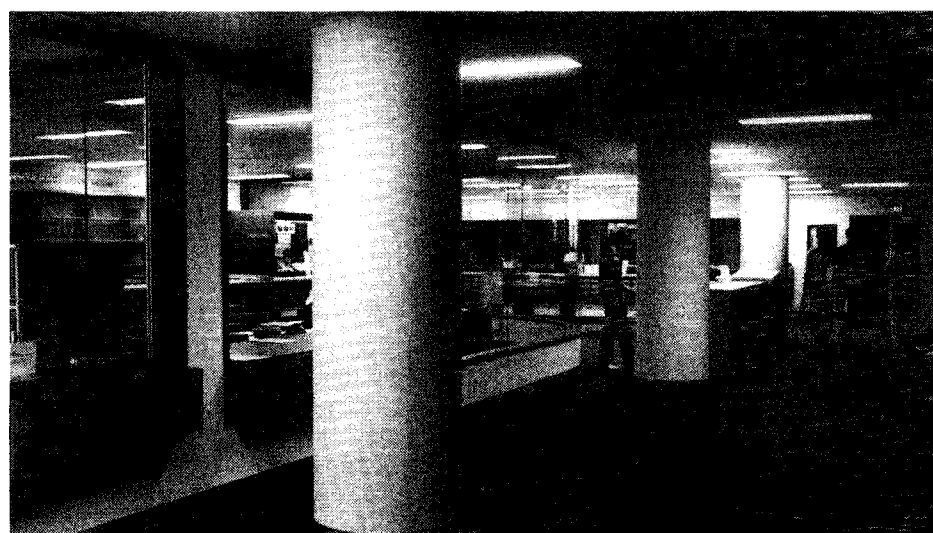
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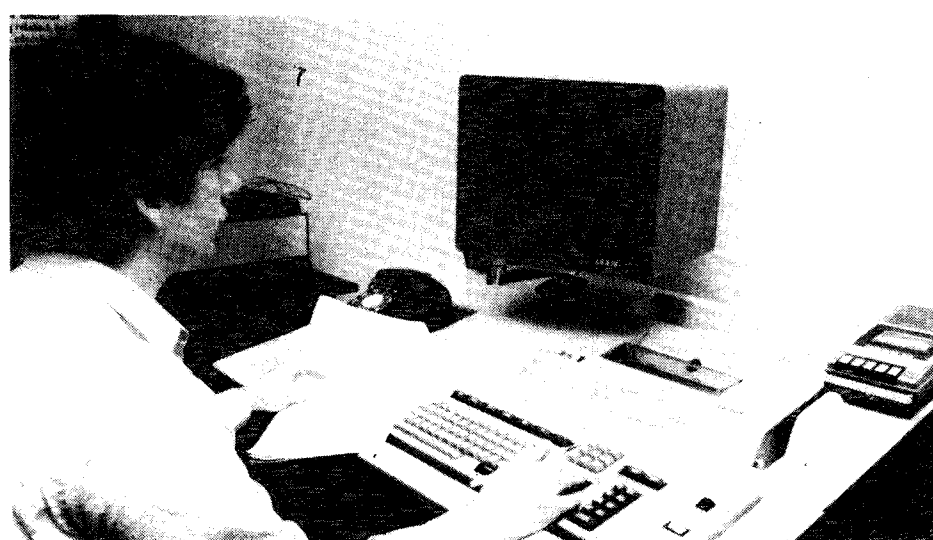
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*Available at the Hastings Law Library



A view of the library, 4th floor.



Lexis



Back row (L to R): Neil Harris, Robert Yates, Cynthia Bashant, Jerome Bradford. Front row (L to R): Lori Sebansky, Carl Chamberlin, Maria Solomon, Tiela Chalmers, Kathy Huffer. 1985 Moot Court Oral Award winners. Not pictured — Rich Friedling.



Lois Prunty, President of Hastings Volunteer Association, displays the 1985 Trivia Tournament Award.



Mrs. Eleanor Manuel with the 1985 Wiley Manuel Scholarship recipient, Thomas Fuchs '88 and last years recipients, Katherine Russell '86 and Rebecca Mass '86.



Left, Steve Spahr, Chairman, Moot Court Board and Irene Cohn, Acting Director, Moot Court Program and Legal Writing and Research.

Announcing a new book to renew all your old friendships.

The 1985 Alumni Directory

Our 1985 Alumni Directory, that will include all living alumni, will soon be in production. The book will list each person alphabetically, by class year and by current geographic location.

Each alum's home and business addresses and telephone numbers will also be recorded.

You'll be receiving a biographical information packet soon, so be sure to complete and return it promptly along with your order for a softbound or hardbound copy—and get back in touch with those old friends.



CLARISSA SHORTALL
McMAHON

Clarissa Shortall McMahon, a former San Francisco Supervisor who served on the board for 13 years, died May 27, 1985 of leukemia in her Nob Hill home at the age of 73.

Mrs. McMahon, an attorney, was only the second woman to serve on the board when she was appointed in 1953 by Mayor Elmer Robinson. She was re-elected three times.

Mrs. McMahon, the daughter of Superior Court Judge Edward Shortall, was born in San Francisco and graduated from Sacred Heart High School in 1928. She attended the University of California, Berkeley, and received her law degree from Hastings College of Law in San Francisco in 1934.

She was practicing corporate law in San Francisco when Robinson, an old friend, appointed her to fill the term of supervisor John Sullivan, who resigned. The only previous woman supervisor was Margaret Mary Morgan, who served from 1921 to 1925.

"I have no preconceived ideas about the duties of a supervisor," she said, on learning of her appointment. "For a while I am going to keep my mouth shut. They say that is difficult for a woman to do, but I am going to try."

On June 17, 1954, she became San Francisco's first acting mayor. She announced that her first official act would be to buy a new hat, but said later, "I never did get around to it."

She was reelected to four-year terms as a supervisor in 1955, 1959 and 1963.

A political conservative and a Republican, she was vehement in her

opposition to both the proposed freeway through the Golden Gate Park panhandle and the Embarcadero freeway. She actively sought improvements for Laguna Honda and other county hospitals and was one of the early advocates of strict smog controls.

In 1965, she campaigned vigorously for a cleanup of Candlestick Park, calling it "so filthy you get stuck walking on the cement."

The following year, after a brief illness, she resigned from the board to return to her law practice.

She denied that criticism affected her decision to resign, saying only that she "felt for sometime that I was ineffective on the board and that many, many times I was the lone vote on various matters."

In 1972, she was elected the first woman president of the San Francisco Zoological Society. Three years later, she appointed to a term on the civil grand jury in San Francisco.

She enjoyed traveling through Africa on safaris. among her trophies were an elephant, lion, leopard and cape buffalo.

Surviving is her son, Jon McMahon of San Francisco. Her husband, lawyer and Army Captain John McMahon, died in combat in 1942 near Rome, Italy.

1985 CLASS
REUNIONS

The following classes will be holding reunions this year. If you are interested in joining your year's reunion committee, or would just like information, you should contact the Committee Chairman or the office of Alumni & Community Relations at (415) 565-4615 or write to us at 200 McAllister Street, San Francisco, CA 94102-4978.

YEAR: '60
COMMITTEE
CHAIR: Herbert M. Rosenthal
(415) 922-1440
DATE SET: November 8th
(Tentatively Scheduled)

YEAR: '65
COMMITTEE
CHAIR: Elliot D. McCarty
(415) 556-3644
DATE SET: October 26th
(Tentatively Scheduled)

YEAR: '70
COMMITTEE
CHAIR: Charles A. Dyer, Jr.
(415) 325-7000
DATE SET: October 26th
(Tentatively Scheduled)

YEAR: '75
COMMITTEE
CHAIR: Todd A. Landgren
(714) 542-5800
DATE SET: October 26th
(Tentatively Scheduled)

YEAR: '80
COMMITTEE
CHAIR: Mercedes Marino
Lynne Newhouse-Segal
(415) 565-4615
DATE SET: TBD

CON LAW QUARTERLY



Volume 12 Editorial Board
From left to right:
Brad Shafter, Editor-in-chief, Mark Palin, Senior Research Editor, Karen Wells, Assistant Executive Editor, Lance Adair, Symposium Editor, May O'Bryne Sinibaldi, Senior Review Editor, Eileen Malley, Executive Editor, Lanela Sin, Senior Technical Editor, Loren Hillberg, Managing Editor.
Not Pictured: Debra Silverman, Senior Articles Editor, Marna Campbell, Senior Technical Editor.

The *Constitutional Law Quarterly* has made great progress overcoming its publication backlog. The current staff is pleased to announce that Volume 10, issues 3 and 4 and Volume 11, issues 1 and 2 were released during the fall semester. Four more issues are expected to be in print by the end of the spring semester. With this work behind the *Quarterly*, the Volume 12 editorial board expects the highly enthusiastic Volume 12 participants to catch up completely on the publication schedule next year.

Forthcoming articles to be published in the *Quarterly* include: analysis of the penal dimensions of punitive damages; an exploratory essay on an alternative form of judicial review; and a proposed model for determining the First Amendment rights of public school children. Those alumni who do not currently have subscriptions to the *Quarterly* may write to the *Quarterly* at Hastings College of Law, 200 McAllister Street, San Francisco, CA 94102 and subscribe at a \$3 dollar discount off the \$15 dollar annual rate.

UP DATE

The *Hastings Constitutional Law Quarterly* has just published its symposium issue entitled: *The Supreme Court Workload*. In light of Chief Justice Burger's recent remarks on the subject at the American Bar Association meeting in Detroit, it is a particularly topical issue.

The symposium begins with a brief commentary by former Supreme Court Justice Arthur Goldberg on managing the Court's workload. It also contains several pieces concerning various aspects of this much publicized issue, including a comprehensive analysis of the proposed intercircuit tribunal by Arthur D. Hellman, and a thorough discussion on increasing the federal appellate system's uniformity and capacity by Todd E. Thompson.

The symposium is the Volume 11, Number 3, Spring 1984 issue of the *Hastings Constitutional Law Quarterly*.

Mayor Daniel K. Whitehurst '72 has tendered his resignation with the City of Fresno effective January 26 in order to take a position at Harvard University.

Mayor Whitehurst has accepted a Fellowship with the Institute of Politics at Harvard's John F. Kennedy School of Government. He will be in residence at the Kennedy School for the Spring Semester of 1985 (February through May). During that time he will conduct a study group for undergraduates and will write a series of articles. He will also participate in special programs and seminars at the school.

For a number of years, the Kennedy School has brought in government executives, legislators, political activists and journalists to engage in study and to serve as a resource to Harvard students.

"I'm honored and pleased to be associated with the Kennedy School," Mayor Whitehurst said. "Frankly, I'm looking forward to spending some time thinking, studying and writing. In public office today, we're always dealing with crises and putting out fires, which leaves very little time for reflection. I'm also ready to share some evenings with my family." Whitehurst's family will accompany him to Cambridge.

One of Mayor Whitehurst's many major achievements while in Fresno has been in the area of public safety. In 1984, he received the prestigious Michael A. di Nunzio Award from the U.S. Conference of Mayors and the Xerox Corporation for his outstanding

personal commitment to public safety and volunteerism.

During the 1984 U.S. Conference of Mayors, Fresno also topped the list of seventy cities for its distinct public safety programs in three major categories: crime prevention, child safety and fire prevention.

Whitehurst announced in November that he would not be seeking a third term as Mayor. His term runs until May, but the Mayor will be departing early to take the position at Harvard.

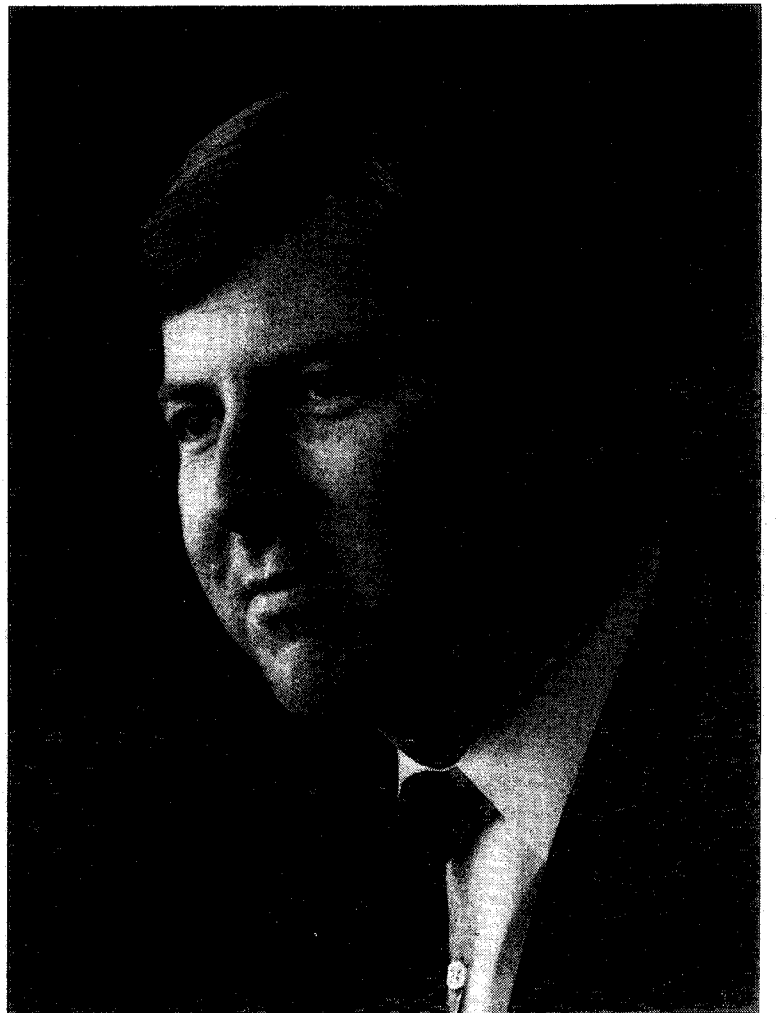
Whitehurst was elected Mayor in 1977 at the age of 28, making him the youngest Mayor in the country of a city over 100,000 population. He served on the City Council from 1975-1977.

In his time as mayor, Whitehurst has emphasized economic development, orderly growth, and neighborhood identity. He was elected to a second term in March, 1981 with 66% of the vote. He has been active in urban issues at the national level and serves on the Advisory Boards of the National League of Cities and the United States Conference of Mayors. In 1982, the California Jaycees selected him as one of five Outstanding Young Californians.

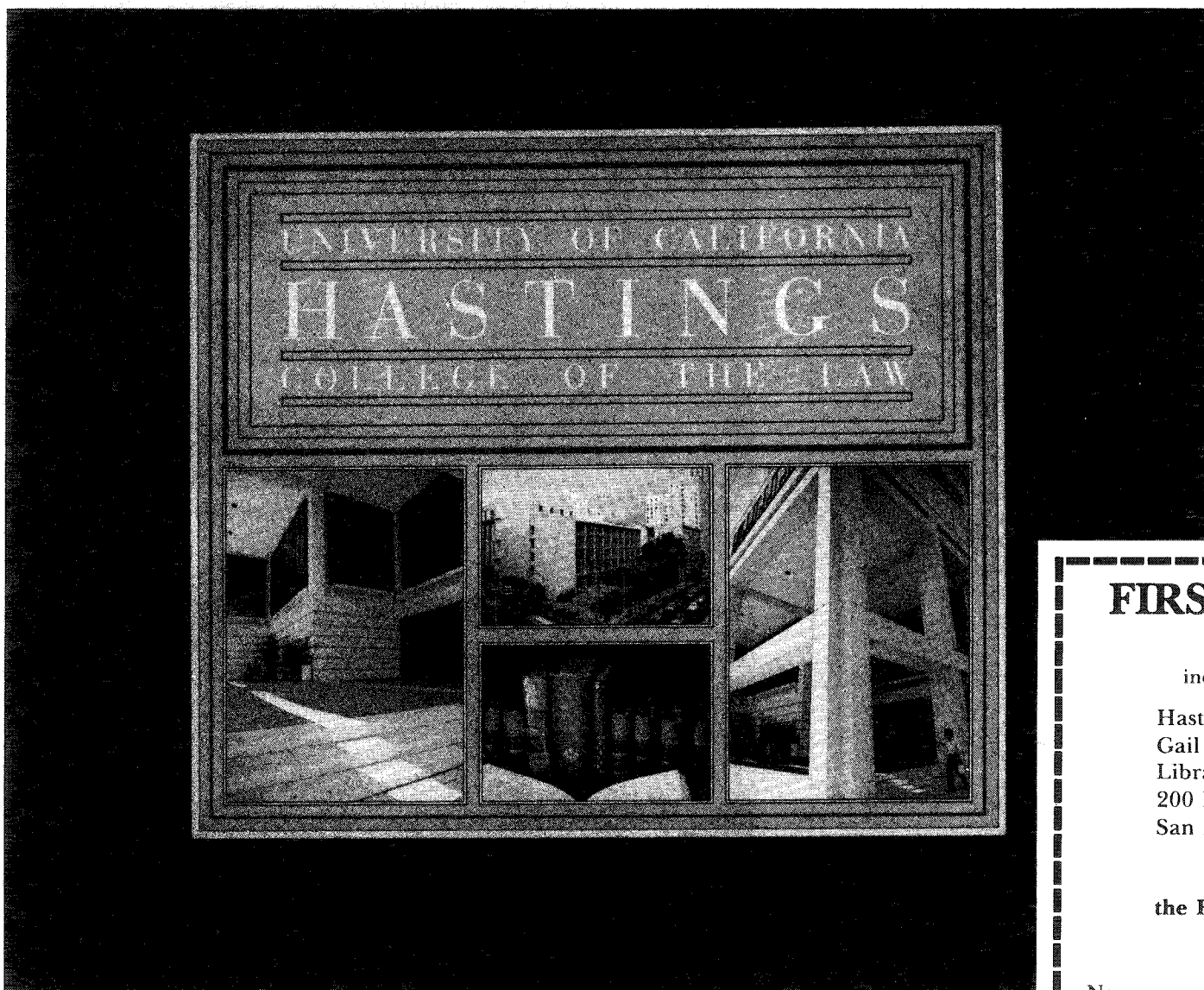
The Mayor holds an A.B. in Government from Saint Mary's College, an M.A. in Urban Studies from Occidental College and a J.D. from the University of California, Hastings College of the Law. He was also a Coro Foundation Fellow.

Mayor Whitehurst and his wife, Kathleen, have two children, Keenan, 7, and Jamie, 5.

MAYOR WHITEHURST ACCEPTS HARVARD FELLOWSHIP



Hon. Daniel K. Whitehurst '72



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ALUMNI / CHAPTERS

CHAPTER EVENTS

ALAMEDA

CHAPTER PRESIDENTS:

Marc Abramson '79 & Ron Gordon '75

Alameda will be having a chapter event this June and will also host a new admittee party for the incoming Hastings Class of 1988.

CONTRA COSTA

CHAPTER PRESIDENTS:

Randy Barnum '83 & Tim McMahon '75

Contra Costa hosted a post-holiday cocktail reception on January 30th at the Concord Inn honoring the Honorable Robert J. Cooney '49, retired Contra Costa County Superior Court Judge. Special guests for the reception were Hastings' Dean and Mrs. Bert S. Prunty. They also will host a new admittee party for the incoming Class of 1988 this summer.

HAWAII

CHAPTER PRESIDENT:

Harvey J. Lung '81

Hawaii hosted a dinner in honor of May Yoshida of Hastings Admissions Office, at the Halekulani Hotel on February 23, 1985. Special guests for the reception and dinner were Dean and Mrs. Bert S. Prunty, the Alumni Association Board of Governors and 1066 Foundation Trustees. Marvin Anderson was guest speaker for the evening. Hawaii will host a summer admittee party for the incoming Class of 1988.

LOS ANGELES

CHAPTER PRESIDENT:

Paul D. Supnik '71

Los Angeles hosted a reception honoring Hastings 1984 graduates and recent Bar admittees on January 7, 1985 at the home of Dana Cole '79, Beverly Hills.

A breakfast meeting was held April 10th at Le Belage Hotel, West Hollywood; guest speaker for the meeting was Michael Lauer '75, Vice-President of Business Affairs at MGM/UA Television.

A dinner was held at the Aashiana Indian Restaurant, West Los Angeles, on Thursday, May 23rd. Guest speakers were: Abby Mann (Award winning screen and television writer), Judge Harry T. Schafer and Peter Nelson '79. Also attending the chapter event were Lynne Newhouse Segal '80, currently working at Hastings, Donna Cole-Wallen

'86, ASH President and Ken Wilton '86, COMMENT Editor-in-Chief.

A summer pool party for new admittees will be held this summer at the home of Judge and Mrs. Edward Y. Kakita '65.

SAN DIEGO

CHAPTER PRESIDENT:

Elizabeth F. Bradley '77

San Diego had their annual meeting and dinner on May 30 at the University Club of San Diego. Guest speaker for the evening was the Honorable Howard B. Wiener, Justice of the California Court of Appeal, Fourth District, Division One. They will host an admittee party this summer.

SEOUL, KOREA

CHAPTER PRESIDENT:

Soung Soo Kim '79

Soung Soo Kim presented John W. Rhee '83 with a plaque of appreciation for his activity with the Seoul chapter of Hastings Alumni Association.

WASHINGTON, D.C.

CHAPTER PRESIDENT:

James Bubar '78

The newly rededicated National Press Club was the site of the May 23, D.C. Chapter cocktail reception honoring Dean Bert S. Prunty and distinguished Washington alumni. Those attending included Energy Secretary John S. Herrington '64, Acting Assistant Attorney General Ralph W. Tarr '76, Deputy General Counsel, Department of Energy, Eric J. Fygi '66, U.S. Tax Court Special Trial Judge Lee M. Galloway '52 and Congressman Norman D. Shumway '63.

Delivering remarks to a full house in the First Amendment Lounge and Terrace were Dean Prunty, Assistant Attorney General Lois Herrington '65, and former Congressman James D. Santini '62. e. robert wallach attended as a special guest of the Dean, as did Dean Prunty's son, Bert, who was visiting from Maine.

The Washington, D.C. Chapter of the Hastings Alumni Association is made up of some 100 alumni, most of whom serve in the government, private law firms and associations. Says Chapter President James S. Bubar '78, "Hastings should be very proud of the accomplishments of its alumni who have chosen to work in Washington."

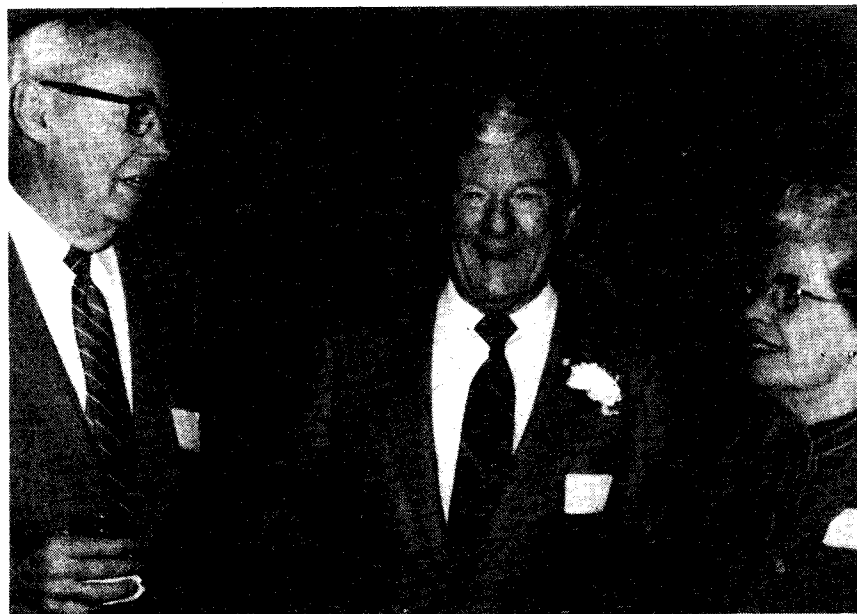


Right to left: Soung Soo Kim '80, Korea Chapter President and Don Spafford '82 present John Rhee '83 with a plaque commemorating his contributions to the Korea Chapter, prior to his leaving for Los Angeles. (April 1985)

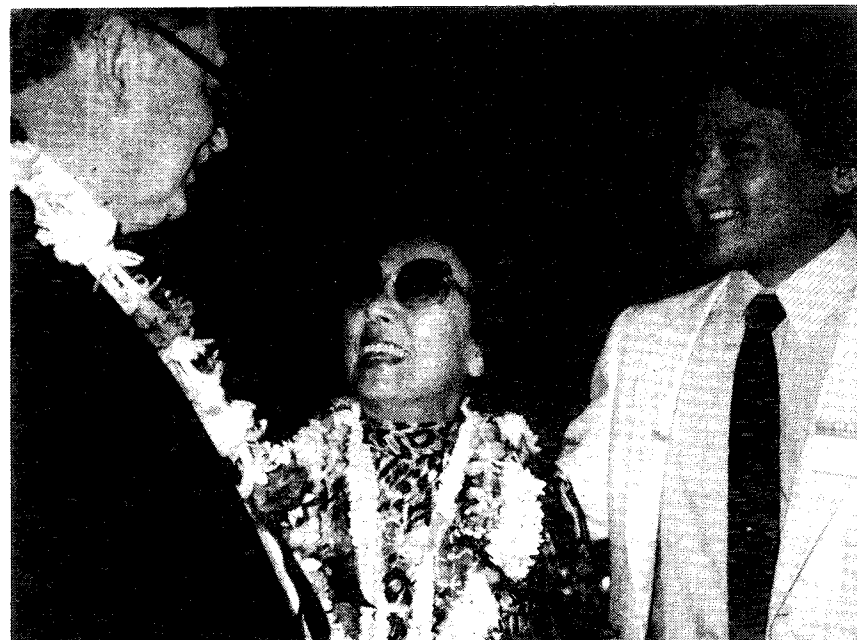


(L-R) Donna Chapin Maizel ('78), her husband Samuel R. Maizel, James S. Bubar ('78), and e. robert wallach.

Hastings Reception at The National Press Club, May 23, 1985



Center, Contra Costa's 1984 Alumnus of the Year—Retired Judge Robert J. Cooney '49.



Honored guests for the Hawaii chapter event at the Hale Kulani Hotel were, left to right, Marvin Anderson, May Yoshida and host Dean E. Ochiai '80.

If you would like information on "How to start an Alumni Chapter," please contact:

The Alumni & Community Relations Office
200 McAllister Street
San Francisco, CA 94102-4978
(415) 565-4615

STUDENTS / ALUMNI



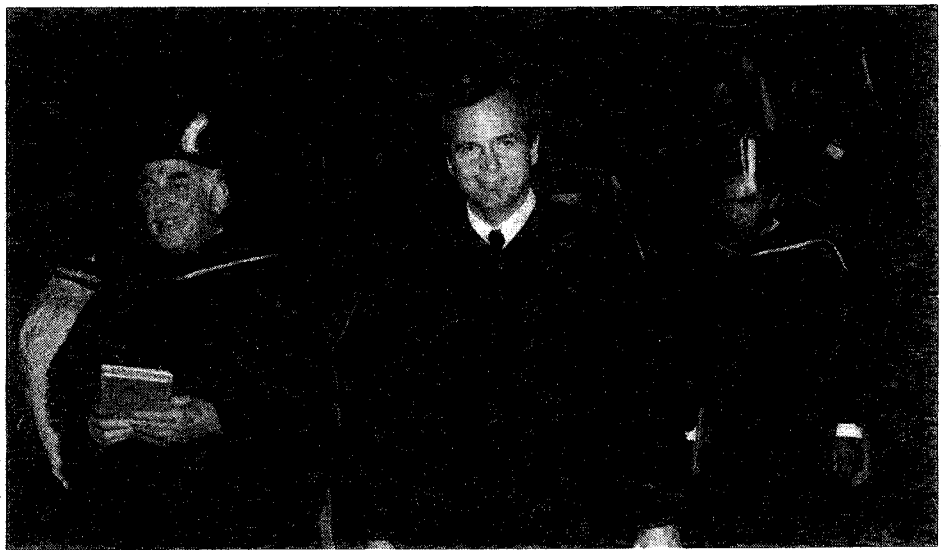
Dean Bert S. Prunty congratulates Joseph R. Ramrath, 1985 Class Valedictorian.



Commissioner Peter V. Ueberroth and Nanci Lynne Clarence, right, Speaker, Class of 1985 at Commencement Exercises.



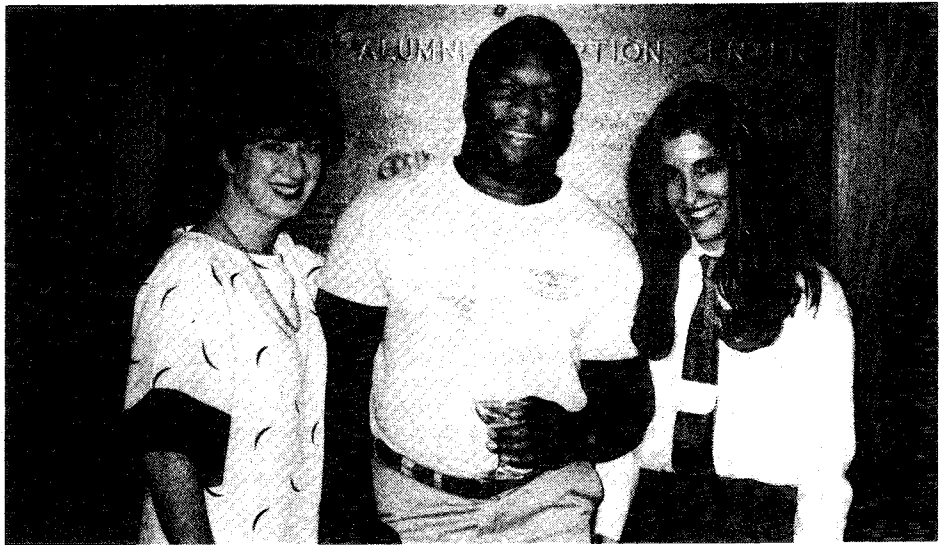
Left: Hastings Board of Directors Member, Max Jamison, and Professor Raymond L. Sullivan at Commencement.



Left: Harold S. Dobbs, chairman, Hastings Board of Directors, Commissioner Peter V. Ueberroth and Professor John Diamond.



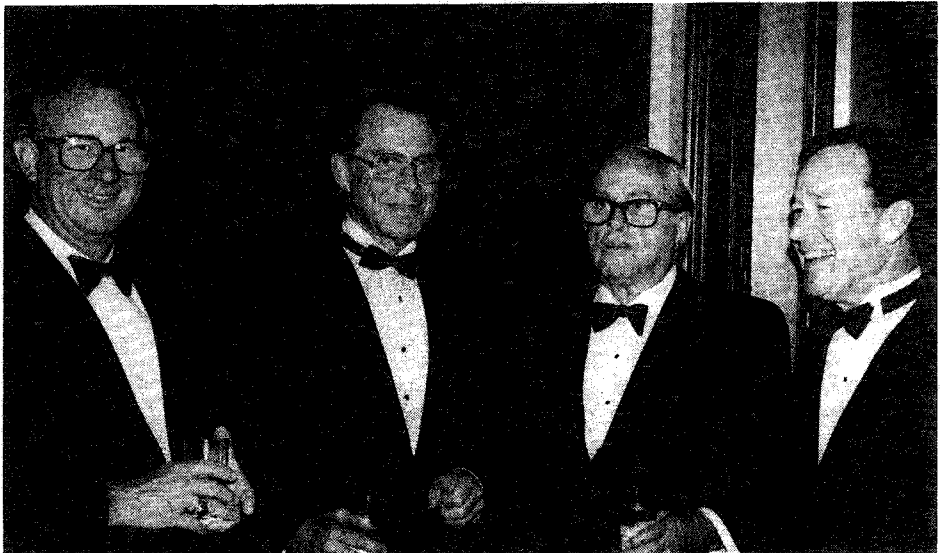
Graduating students at third-year student reception, left to right, Robert Zipser '85, Anthony Kornarens '85, and Andy Coblentz '85.



Graduating third-year student Donald M. Brown '85 with Hillary R. Swendsen, left and Sharon M. Rafter, right, Alumni & Community Relations Office.



Commissioner Peter V. Ueberroth, Lynne Newhouse Segal, Lois Prunty and Dean Bert S. Prunty at the 1066 Annual Dinner.



David J. St. Louis '67, President, Hastings Alumni Association, Dean Bert S. Prunty, Wyman C. Knapp '39 and Melvin C. Kerwin '61 at 1066 Foundation Annual Dinner.

CLASSNOTES

OBITS

BROWN, Jack C. '35 died January 19, 1985. He was vice president of Valley Title Company, a position he had held for the past ten years and also served as the firm's legal counsel. Mr. Brown was born in Oakland and members of his family were early settlers in Central California. His great-grandfather, Andreas Otto, was an executive with Spreckels Sugar Company and helped develop the process for making sugar out of cane in the 1880's in Hawaii.

He is survived by his wife, Esther Lee Brown, a son, Richard C. Brown of Oroville, and a brother, Charles N. Brown of Fresno.

CARTER, Hon. Robert D. '49, visiting San Diego Superior Court Judge died December 1984.

GILMAN, Richard J. '34 died December 31, 1984.

LONG, Deborah Joan '78 died in January 1985.

LOUGHRAN, Frank '32, well known San Francisco attorney, died May 1 in Oakland, at the age of 79.

OLSON, John A. '76 died January 16, 1985. He was a partner with the firm of Verleger & Shea, Los Angeles.

MOORE, Arthur J. '42 died in December 1984.

MOULTON, J. Andrew '76 died in April 1984 in Gualala.

PAULDEN, A. Cameron '53 died September 4, 1984.

STEVENSON, Osborne A. '33 died February 17, 1983.

F.Y.I.

You can cut down on "junk" calls from telephone marketers by writing the Direct Marketing Association, 6 E. 43rd Street, New York, N.Y. 10017. Include your name, address and phone number. Many telemarketers will be glad to take you off their lists.

1930s

REID, Enos, C. '39 together with Horace O. Coil '57, David G. Moore '64, Donald F. Powell '65, Daryl D. Hansen '69, John D. McAlerny, Jr. '69, and Paul M. Shimoff '72 announce the merger of Reid, Babbage & Coil, Riverside and Surr & Hellyer of San Bernardino. The new firm will operate as Reid & Hellyer. The Reid, Babbage & Coil branch office in Newport Beach will be consolidated with Surr & Hellyer's Costa Mesa branch office. "We think that our two-county area is on the verge of considerable expansion," said Enos Reid, a founding partner of the Riverside firm. "This merger positions us to play a part in that growth by enabling us to offer services and specialties we weren't able to offer before and to service our clients more economically."

SAMUELS, David L. '36 is retired and an amateur domino player and golfer

1940s

BAKER, Daniel N. '49 has moved to the new San Francisco address and opened a new office of Handler, Baker, Greene & Taylor in San Mateo.

CADWALADER, George L. '48 was named one of the Outstanding Lawyers in Public Service for 1984.

CHANNELL, Hon. William R. '49 has been promoted from Superior Court Judge for Contra Costa County to Associate Justice of the First District Court of Appeal, Division Four by Governor Deukmejian. He replaced Judge Joseph A. Rattigan who retired. Judge Channell says he sought the higher court position because "I had really done just about every assignment you could do in the Superior Court, more than one time in most of them." He was appointed by then Governor Ronald Reagan and prior to that had spent 20 years as an attorney and prosecutor.

CONNOLLY, William J. '40 continues as senior partner with Connolly & Voss, San Francisco.

LOWER, Roy '49 semi-retired as of September 1983.

MESERVE, J. Robert '41 reports that he is "enjoying American College of Probate Counsel and International Academy of Trust and Estate Law activities."

MICHAELS, Rudolf H. '48 reports, "Following retirement, I am keeping busy as an arbitrator and pro-tem Judge."

ROCKWELL, Clyde R. '49 reports "Getting older by the day."

1950s

BATCHELOR, James K. '59 is a "Fellow in the American Academy of Matrimonial Lawyers," "Who's Who in American Law," and "Who's Who in the World" (7th edition).

BERSTEIN, William '56 is sitting pro tem as a judge. "Very interesting—I love listening to jury trials. Thank you, Hastings!"

1950s (cont.)

CLAUSEN, John B. '51 retired after 31 years of service with county counsel, Contra Costa County.

GALWAY, Carlyn Froerer '52 reports after 30 years as principal staff attorney with The League of California Cities, specializing in municipal law, "I have retired—to have more time to smell the flowers and travel."

GRAY, Arthur W. Jr. '52 is presently serving as Chairman of the Board of Directors, Martin Luther Hospital Medical Center, Anaheim, CA.

KNOX, John T. '52 retired from the legislature in 1980. He is currently with Nossaman, Guthner, Knox & Elliott, San Francisco. The firm also has offices in Los Angeles, Orange County & Washington D.C.

LYNCH, Hon. Eugene F. '58 United States District Court Judge, has received the St. Thomas More Award. He was appointed by Governor Reagan to the San Francisco Municipal Court in 1971 and was elected to that court in 1973. He was appointed to the Superior Court in 1974 and was elected to that court in 1976. Judge Lynch also received the first annual "Judge of the Year" award from the San Francisco branch of Trial Lawyers Association.

McCLENAHAN, George '50 was inducted as a Fellow of the American College of Trial Lawyers in Chicago during August 1984.

MERRILL, Hon. Robert W. '52 has been appointed to the First District Court of Appeals, Division Three, by Governor Deukmejian. Judge Merrill will replace Judge Carl Anderson. Judge Merrill was appointed to the San Francisco Municipal Court in 1967 by Governor Reagan, and was elevated to the Superior Court two years later. Prior to his appointment to the bench, he was a partner in the San Francisco firm of Cross, Brandt, Hays & Merrill and was a part-time prosecutor for Alpine County. He also was named "Judge of the Year" in 1981 by the San Francisco Trial Lawyers Association.

RECANZONE, Hon. Mario G. '50 was elected to another term as Nevada District Judge commencing 1/1/85—a six year term.

ROUDA, Ronald H. '59 has been appointed editor-in-chief of the California Trial Lawyers Association's publication, *Forum*. He serves on the board of governors of both the CTLA and the San Francisco Trial Lawyers Association, and is ranked an advocate in American Board of Trial Advocates.

SALMON, Samuel M. '57 was elected president of the Long Beach Bar Association for 1985.

THORN, Suzie S. '58, President of Schapiro and Thorn, Inc., San Francisco family law firm, has developed the first Advanced Workshop in Family Law Office Management. It was presented June 1, 1985 in San Francisco.

The half-day workshop focused on how to become more efficient, effective and profitable in a family law office practice. It was approved for three hours "A" credit for Family Law Certification and Recertification by the Board of Legal Specialization.

Topics covered were: Staffing and Equipping Your Office for Efficient Workflow, Billing and Collection, Managing and Motivating Your Staff, Psychology of Client Relations, and Marketing Your Practice. Speakers included Suzie Thorn, CFLS; other members of Schapiro and Thorn and outside experts in office automation, psychology and marketing.

A Fellow of the American Academy of Matrimonial Lawyers, Ms. Thorn has long been a leader in several legal organizations, and conducts seminars for California Continuing Education of the Bar.

In a *San Francisco Examiner* survey of 125 lawyers and judges, Ms. Thorn was rated one of the three best family law attorneys in San Francisco. She is also listed in the recently published book, *The Best Lawyers in America*. Two of her cases went to the U.S. Supreme Court.

WALKER, George G. '52 is the first black to be elected national president of the American Board of Criminal Trial Lawyers, an exclusive honorary organization of less than 150 members nationwide. His top priorities as president during the one-year term are the adoption of a uniform penal code and a national continuing education program for newly-admitted criminal law attorneys.

WILSON, Daniel H. M.D. '57 is associated with the Psychiatric Medical Group in Santa Ana, CA.

YOUNG, Stanley C. '52 was elected to the Executive Board of the California Judges Association.

1960s

BRADBURY, Michael D. '67 continues as Ventura County District Attorney, a position he has held since January 8, 1978.

BUSH, William M. '66 is still serving as chair of the State Bar Family Law Advisory Commission and will soon begin his term as chair of the Orange County Bar Association Committee on Administration of Justice.

COTCHETT, Joseph W. '64 has been elected a Fellow in the International Academy of Trial Lawyers. The Academy is composed of lawyers from all over the world and is limited to 500 lawyers from the United States. Each candidate selected must go through a rigorous review and selection

1960s (cont.)

process by fellow lawyers and the judiciary. In California, 65 attorneys have been admitted as fellows out of approximately 100,000 lawyers in the State. Mr. Cotchett is a partner with Cotchett & Illston, San Mateo and also is a Fellow of the American Bar Foundation, a member of the American Board of Trial Advocates, the National Board of Trial Advocacy and a Regent of the College of Advocacy and a member of the Board of Directors of Hastings College. Other members of the International Academy of Trial Lawyers from Hastings are; Albert R. Abramson '54, James C. Downing '52, David S. Lull '47 and Gerald C. Sterns '59.

CLAPP, Duane E. Jr. '68 continues with Clapp, Mononey, Bellagamba, Davis & Vucinich, Palo Alto, specializing in professional liability defense. The firm currently employs 13 lawyers.

EMLEY, Christopher F. '67 was named one of the Outstanding Lawyers in Public Service for 1984.

FISCHBACH, Gregory E. '66 together with **FISCHBACH, Bernard J.** '70, **MAHONEY, James E.** '66 and **WEINER, Gerald B.** '69 announce the formation of a partnership for the practice of law under the firm name of Fischbach, Mahoney, Fischbach & Weiner, Los Angeles.

GILMORE, John S. '61 is Pacific Regional Vice President for the National Association of Railroad Trial Counsel. He also is associated with Diepenbrock, Wulff, Plant & Hannegan, Sacramento.

HERRINGTON, John S. '64, director of presidential personnel since 1983 has been nominated as secretary of energy by President Ronald Reagan. He will fill the vacancy left by Donald P. Hodel. John previously served as a White House assistant to chief of staff James A. Baker III and assistant secretary of the Navy for manpower and reserve affairs.

HERRINGTON, Lois Haight '65 is the assistant Attorney General of the United States and in that capacity recently completed hearings across the United States and filed a report for the Attorney General's Task Force on family violence. She also was the administrator point person for the newly enacted Federal Victims Assistance Act.

JARVIS, William Stevens '67 is engaged in corporate, tax, real estate and private international law practice. He, Heidi and two children, Chris and Kathleen, reside in Palo Alto.

KOMAR, Jack '65 was elected president by the Santa Clara Bar Association. He is engaged in the general practice of law with emphasis on litigation matters and actively serves as an arbitrator and a Judge Pro Tem of the Superior Court and Municipal Courts. He has chaired the executive committee of the Criminal Law Section in previous years and has actively participated on the Judicial, Legislative and Legal Education Committees. He also is a former Deputy District Attorney for Santa Clara County.

MOORE, Gary R. N. '69 has relocated his office to San Jose and remains in private practice specializing in plaintiffs personal injury litigation. He and his wife and daughter (with another one on the way) reside in Saratoga.

MUDD, William D. '69, Municipal Court Commissioner was recently elected a Municipal Court Judge for San Diego. He was formerly a deputy city attorney in San Diego and practiced law for 12 years prior to his appointment as court commissioner.

O'FARRELL, Robert '67 has been elected presiding judge of the Monterey Superior Court for 1985. As presiding judge, he will oversee administration of the court, direct its calendar, assign cases, and oversee the activities of the Grand Jury. He and his wife Maria and their four children reside in Monterey.

PAGNI, Albert F. '64 was elected Vice President, State Bar of Nevada. He is currently associated with Vargas & Bartlett, Reno.

RICHTEL, Hon. Murray '65 was appointed to the Colorado District Court bench in 1977 and has served ever since. He resides in Boulder, CO.

ROSS, Terry D. '68 reports, "17 years of private/litigation practice with the firm of Gray, Cary, Ames & Frye has been great. They

finally recognized my value and are letting me go on a 1-year sabbatical with my lovely wife, M.J., in 1985. We plan fun in Mexico, Alaska, Europe, Australia, Jamaica and the Bahamas...See you in '86"

SHAW, Garrin J. '68 is a partner with the Los Angeles firm of Schell & Delamer.

TOBIAS, Hon. Daniel J. '68 was sworn in as Municipal Court judge in the East Kern Municipal Court, located in Ridgecrest.

TURRONE, Hon. Richard C. '65 was appointed a Municipal Court Judge in May 1984 and was assigned Supervising Judge of the Gilroy facility in January.

YANCEY, Gary '68 was named the next Contra Costa District Attorney in December '84 by a unanimous vote of the Board of Supervisors. A former senior deputy district attorney in the office, Gary took over the county's top law enforcement position in January.

1970s

ARDAIZ, James '74, a Presiding Fresno County Municipal Court judge was named to the Superior Court bench by Governor Deukmejian. A former chief trial deputy in the District Attorney's Office, Judge Ardaiz was elected to the bench in 1980 when he defeated, from Municipal Court, Judge Hugh Wesley Goodwin in a runoff election.

APPLETON, Bob '70 continues as founding partner of Appleton, Newman & Gerson, St. Louis, MO.

BATTEY, Jonathan C. '79 reports, "After moving to Monterey in 1982, I've been engaged in general civil litigation. Elyse and I are also happy to announce the birth of our first child, Lauren Ashley on 12/11/84.

BAYUS, Elaine '77 was admitted to partnership at Orrick, Herrington & Sutcliffe, San Francisco, effective 1/1/85. On January 5, 1985 she and Hill Blackett, III '77 were married. Congratulations Elaine and Hill.

BERKLINE, Kelly R. '74 continues in solo practice in Torrance, CA.

BERLINER, Thomas '78 reports, "Our first child is due in July. We are happy and healthy living in Mill Valley. I am a principal trial attorney with the City Attorney's Office in San Francisco, practicing public utilities, construction, plaintiff and education law. I also have a consulting business working with owners and builders to eliminate architectural barriers."

BIERAT, James D. '77 has become chief legal counsel for Safeco Insurance Company of America in Northern California, heading a law office of nine attorneys in Foster City.

BLAIR, Sandra I. '73 was named one of the outstanding lawyers in public service for 1984.

BOCKELMAN, Robert '75 is in private practice in San Francisco, "Enjoying solo practice."

BORAH, Brett A. '79 was recently elected President of the Sunnyvale Chamber of Commerce, effective June 1985, Treasurer, Sunnyvale-Cupertino Bar Association, effective January 1985 and Trustee, Santa Clara County Bar Association, effective January 1985.

BURNS, Thomas M. '73 continues with Burns & Pritchard, Las Vegas, Nevada.

BUSH, Philip Lee '74, a partner in the firm of Crosby, Heafey, Roach & May in Oakland, was recently married to Mary Ann Castagnozzi in Orinda. Philip and Mary honeymooned in Italy and Greece and now reside in Piedmont.

BYRNES, Thomas '76 reports, "I have had my own practice for approximately five years. I have a general litigation practice and share office space with STEVE BELTRAM '76. Thomas's office is located in Beverly Hills, California.

BRADBURY, Stephen D. '76 has taken a leave of absence from his firm, Bradbury, Kellison & Cady, Susanville, CA to become Vice President and General Counsel of Five Dot Land and Cattle Company, Inc., a California agribusiness concern.

BROWN, Roger '72 reports "After 5 years with the Fair Political Practices Commission, I was promoted to Chief of Enforcement in 1983. Wife Sheila is now a critical care nurse at Woodland Memorial Hospital and I would love to hear from classmates MARK ROCHEFORT and RAY BOYLEN. Roger and Sheila reside in Sacramento.

BROWN, Terence M. '73 is leaving the consumer fraud section of the Sacramento District Attorney's Office for the Felony Division where he will be supervising a felony team.

BUNNELL, Stuart C. '76 was transferred to the Alaska division of Sohio in December 1984. He resides in Anchorage.

BURNS, Douglas E. '73, associated with Kasen, Kraemer, Burns & Lovell, Newark, N.J., recently obtained a jury verdict of \$1,000,000 for a client in personal injury litigation.

CABATIC, Linda Ann '77 transferred out of the legislative unit and into the government unit of the Attorney General's Office in Sacramento. She also married Cyrus J. Richards who is an Assistant Public Defender in Sacramento County. Congratulations Linda and Cyrus!

CARR, William K. '73 reports, "I have become a partner in the firm of Drexler &



Robert Myles Hertzberg

CLASSNOTES

1970s (cont.)

Wald in Denver after a year of being a sole practitioner. "Solo is for the birds."

COOK, C. Randall '79 has joined the Santa Barbara firm of Archibald & Spray, and is managing their branch office in San Luis Obispo. The past two years he worked for Pacific Lighting Corporation's legal department in the litigation section.

CRANE, Steve '72 reports, "The law firm is continuing to expand our real estate practice to include syndications, real estate malpractice by escrow agents and fellow attorneys, land use and zoning law. We are looking forward to our move in March 1985 to the 57th floor of the Columbia Center, the tallest building on the West Coast! Crane, Stamper, Boese, Dunham & Rogers is located in Seattle, Washington.

CRON, Steven M. '73 was recently certified by the California State Board of Legal Specialization as a criminal law specialist and law commissioner.

DAVENPORT, Candace C. '75 reports, "I have opened a branch office in San Rafael, specializing in general practice especially DIB/SSI Social Security appeals.

DOBYNS, Thomas '72 states, "All attorneys should (a) own a word processor and (b) know how to type. The combination allows me to work with no secretary and put that overhead in my pension fund. Still representing the paying-side of landlord-tenant.

DYER, Charles A. '70 was elected to the Board of Governors of the California Trial Lawyers Association. He is a partner in the Menlo Park firm of Dyer & White.

FINCH, Bruce '77 is handling criminal cases, U.S. District Court, Northern District of California. He is currently with the Law Offices of Richard F. Humphrey, Hayward.

FINKELSTEIN, Lisa '77 has become a member of the firm of Pillsbury, Madison & Sutro, effective January 1, 1985.

FONTAINE, Valerie Foster '79 is placing attorneys of all levels (partners & associates) with law firms and corporations. She also handles law firm mergers. Bench Ltd. is located in Los Angeles.

FOX, David Smith '78 is the new Deputy City Attorney of San Francisco. Prior to joining the city attorney's office, David was Hastings' Director of Community Relations.

GERSHON, Gary '73 "After 9 years at legal aid of Western Michigan, was appointed Director of MMLAP—Michigan Migrant Legal Assistance Project.

GREEN, Patricia S. '76 was named one of the outstanding lawyers in public service for 1984.

HARWELL, John D. '78 became a partner in February 1985 with Memel, Jacobs, Pierno & Gersh, Century City. He continues to litigate, focusing on representation of health care facilities in 30 states, representing them in their disputes with the Federal and state regulatory agencies.

HERTZBERG, Robert M. '79 was appointed by Jess Unruh, the California State Treasurer, to the Districts Securities Advisory Commission (DSAC) which is headquartered in San Francisco. The DSAC advises the State Treasurer on the feasibility of all water and irrigation projects funded by bond revenues.

HILLS, Wesley B. '71 has become of counsel to the litigation department of Finley, Kumble, Wagner, Heine, Underberg, Manley & Casey, San Diego. He is beginning his 3rd year as adjunct professor of law at the University of San Diego School of Law. He was appointed on October 1, 1984 to a 3 year term on the Executive Committee of the Litigation Section of the California State Bar.

HOLLEY, Kay '76 was named one of the outstanding lawyers in public service for 1984.

JOHNS, S.E. '71 is now in the private practice of business litigation. He recently represented National Semiconductor in the trade secret case of IBM v. Hitachi.

JASKULSKI, Louisa M. '75 is greatly enjoying civil litigation (defense side) practice with the Law Offices of F. Ross Adkins, San Francisco.

KAITZ, Patricia M. '79 is an international tax attorney for Hewlett-Packard in Palo Alto. She was currently at the international subsidiary for one year after having spent two years in international federal and state at Corporate headquarters. Prior to Hewlett-Packard, Patricia obtained her CPA from Price Waterhouse. She is a member of the Executive Committee of Committee on State Taxation, Member, Board of Directors, U.C. Berkeley Alumni Association and married to Christopher Pascoe (Price Waterhouse).

KEENAN, R. Mark '73 is a partner with Anderson, Russell, Kill & Olick, P.C. in the litigation department actively involved in securities fraud area. The firm is located in New York City.

KIMBROUGH, Audrey Paul '75 is a financial consultant with Creasey & Associates.

KOKN, Philip D. '79 continues to practice in the field of public law and serves as city attorney for the city of Laguna Beach. He was just made a partner in the Costa Mesa firm of Rutan & Tucker.

LAGOS, Panos '74. "I am presently involved in affirmative lawsuits against landlords for breach of the implied warranty of habitability, wrongful eviction."

LARSEN, Mark A. '73 reports, "Our firm is now the largest in town. My practice is

limited to civil (mostly P.I.) and criminal trials while I edit the New Hampshire Bar Journal, a semi-scholarly quarterly.

LEDFORD, Roy Merl '78 continues in private practice specializing in business and estate planning and business litigation. He is of counsel to Fullerton, Lang, Richert & Patch, Fresno. "Enjoying small town life after culture shock of move from San Francisco. Wife Diane, has an olive ranch and manages two young sons."

LEVINE, Robert '76 has been appointed to the Board of Directors of the Barristers Club.

LOWE, Steven F. '71 is in house counsel and business representative of Sizzler Restaurants of Utah, Idaho and Northern Nevada and the Camera Den Inc., of Utah.

MATTHEWS, Philip R. '77 announces the birth of daughter Lauren Allisen. Philip became a member of the San Francisco firm of Hancock, Roth & Bunshoft in January 1985.

MARTIN, Andrea Ravinett '75 opened the 2nd Hog Heaven restaurant in the financial district of San Francisco at 244 Front Street, between California & Sacramento Streets.

MAZZA, Judith A. '74 is president of the North of Market Child Development Center which recently received a \$200,000 HUD grant through the San Francisco Mayor's Office of Community Development to build a new center opening Spring 1985. Hastings Professor Marsha Cohen and a Hastings alumna, Barbara Hickman '84 also serve on the Board of Directors of the Center.

McCLAIN, Charles '74 has been awarded the 1984 Essay Prize of the U.S. District Court for the Northern District of California Historical Society. McClain received the prize, which carries with it a check for \$1,000, for his piece, "The Chinese Struggle for Civil Rights in 19th Century America: The Remarkable Case of *Baldwin v. Franks*."

The article concerns an effort made by the Chinese community in San Francisco in 1886 to revive a provision of the U.S. Code that had been declared null and void by the U.S. Supreme Court three years previous and used it to stem the tide of anti-Chinese rioting then sweeping across the Western states. The case, which rested on a novel and imaginative theory of law, originated in California federal court and eventually reached the Supreme Court of the United States on appeal. Mr. McClain's essay will appear in a forthcoming issue of the *Law and History Review*, the journal of The American Society for Legal History.

The District Court Historical Society was founded for the purpose of encouraging research and scholarship on the history of the California tribunal. It awards a prize each year for the best manuscript having to do with any aspect of the court's past. Mr. McClain is Vice Chairman of the Jurisprudence and Social Policy Program and Lecturer in Law at Boalt Hall.

McEVOY, Nion '79 reports, "After 3 years with the William Morris Agency in Beverly Hills, I spent one year with the Rajneesh Legal Services Corporation and am now returning to California."

MESEREAU, Thomas A. Jr. '79 "My lovely wife, Heidi, and I live in Brentwood, Los Angeles. I'm an assistant to the president and manager of special projects for Getty Synthetic Fuels, Inc."

MORGAN, Paula Keve (formerly Peterson) '75 has become of counsel, specializing in estate planning and probate with the recently formed new firm of Morgan, Miller & Blair, including Richard G. Blair '76.

MORRISON, Jackson E. '73 reports, "I am now a general partner in a company specializing in plaintiff personal injury and civil litigation." Cooper, Morrison & Mock is located in Eureka, California, and was formed 1/1/83.

OLSEN, Rod '73 was democratic candidate for the Kansas Senate (22nd District)—lost a close election (24-vote margin out of approximately 22,000 cast) in November's general election. Rod and Susie reside in Manhattan, Kansas with their three children, Brian, Sarah & Craig, where Rod is in general practice.

ORNELLAS, Mark F. '74 became a partner on January 1, 1985 with Diehl, Steinheimer, Riggio, Haydel & Mordaunt, Stockton.

PETREY, Karl R. '76 is division counsel for Irvine Pacific Division—the residential developer.

PITCHFORD, Douglas '75 reports that all three members of Peterson & Pitchford, San Francisco are Hastings graduates.

RENNIE, Mark '74 owns and operates the Billboard Cafe in San Francisco.

PRICE, Dianne M. '79 is a partner in Coombs & Dunlap, Napa, practicing family law and general civil litigation.

ROPER, Mark '72 together with partner, **GORDON, William C. '64** specialize in plaintiff and personal injury work. They recently added **NEWMAN, Richard L. '81** to the firm who is concentrating on 3rd party and plaintiff work. Gordon & Ropers, San Francisco was formed in 1974.

SCOTT, Hon. Terry '72 is the 1985 presiding judge for the South Bay Municipal Court, taking over from Judge Roy Cazares. Judge Scott was appointed to the bench on January 2, 1983 after two years as a traffic commissioner and nearly 10 years as a deputy district attorney in San Francisco. He and

his wife and their three children reside in Coronado, California.

SHARE, Karen '75 is getting married to a writer in Los Angeles. Congratulations Karen!

SHERMAN, William R. '74 has been named senior counsel and assistant secretary of Del Monte Corporation. He has responsibility for legal matters involving the company's frozen and specialty products, franchise beverage products and worldwide fresh fruit business units. Mr. Sherman had been associate counsel. Del Monte Corporation, a subsidiary of R.J. Reynolds Industries, Inc., is an international marketer of canned fruits and vegetables, fresh fruit, frozen foods, beverages and specialty foods.

SUPNIK, Paul '71 and Barbara Zak '75, the national reporters representing the United States, presented a paper in August at the past Congress of the Association Internationale des Jeunes Avocats in Bordeaux, France on Protection of House Marks for the Wines and Spirit Trade. The report discussed the unique legal concepts of trademarks and certification marks in this country. It also described the developing law of appellations of origin in the United States, particularly from the viewpoint of California statutes, along with a discussion of the plenary role played on by the Bureau of Alcohol, Firearms and Tobacco. In competition with papers on the subject from a number of other countries, their paper received the Former Presidents Prize of the organization.

TAPSON, Stephen '71 reports, "After 12 years in the El Dorado County Public Defender's Office, I have entered private practice specializing in criminal defense and personal injury." He currently resides in Placerville, California.

WALLING, Glenn P. '79 is with Hoyt, Hoyt & Walling, Walnut Creek. Glenn writes, "I specialize in labor and employment law and represent management."

WILCZYNSKI, Rene '76 was awarded the Solano County Prosecutor of the Year by the Solano County District Attorney. He also married Diane Thomas on January 26, 1985. Congratulations Rene and Diane!

ZAHLER, Glenn A. '79 reports, "After receiving an LL.M. in tax from New York University in 1980 and working in a San Francisco tax law firm for 3 years, I just celebrated the completion of my first year of solo tax practice in Beverly Hills, California."

1980s

AGUILAR, Elizabeth '82 married Claudio Tarchi of Padua, Italy in Los Angeles. Elizabeth is currently with the San Francisco firm of Barst, Mukamal & Babbitt, specializing in immigration law.

ALPER, Dean '84 has recently returned from a half-year excursion to the Himalayas where he worked as a mountaineering guide and studied at a Tibetan monastery.

BARTASI, Thomas '83 recently left the firm of Kindel & Anderson, Newport Beach to run and have fun in Northern California. He resides in San Jose.

BELDEN, William L. '84 is a law clerk at San Francisco Superior Court, Criminal Division.

BERCHENKO, Jeffrey '80 has two major pieces of news: 1) "I have opened my own law practice in Oakland specializing in tax and estate planning, copyright and business law" and 2) "My wife Margaret and I have a wonderful six-month old baby girl, Marsha Joy."

BORDERS, Brian R. '80 is in sole practice in the Bay Area while remaining of counsel to Royer & Shackna, Washington, D.C.

BROWN, Neil H. '83 is with Morgan, Wenzel & McNichols as of November 15, 1984. He was married on August 14, 1983 and his first child Heather was born August 20, 1984.

CARTY, John P. '80, is in solo practice in Altaville, California. He handles mainly civil cases, with emphasis on real estate, business, personal injury and divorce.

COATS, William S. '80 is with the San Jose office of Gibson, Dunn & Crutcher, specializing in business litigation and bankruptcy matters with a high-tech flavor.

CHILLERI, Gino A. '81 has recently joined Union Bank's legal department in Los Angeles handling primarily commercial and banking law matters.

CHU, John '82 finished a clerkship with Judge Seymour Abrahams in San Jose and is now an associate with Miller, Starr & Regalia's San Francisco office.

DAVID, Randall S. '83 is associated with Levine, Manfredi & Levine, Encino.

DRESCHER, Deborah H. '80 has become an associate to the Law Offices of Benjamin D. Schwendener, Jr., Lansing, Michigan. The firm specializes in federal and state law and tax related litigation as well as corporate partnership and business law matters and estate planning.

DUERDEN, Suzanne '80 is a Deputy District Attorney in the Office of the Marin County District Attorney, a position she has held for the past 4 1/2 years. She heads up a special unit for the investigation of sexual assaults upon children. Suzanne's oldest daughter, Kathleen graduated from Stanford this June and her youngest daughter, Jennifer will receive her BA, in design, from Stanford, June 1986.

1980s (cont.)

FOX, Michael W. '84 is currently with Memel, Jacobs, Pierio & Gersh, Newport Beach.

HANSEN, Mark T. '84 is with Fisher & Hurst, San Francisco.

GOLUB, Marjorie E. '80 is an associate with Kornblum, Kelly & Herlihy.

HAUS, Alan J. '82-83 is getting to practice a mixture of business, entertainment & immigration law, but has yet to sign Julio Inglesias as a client. Saben donde esta? Alan's solo practice is located in Berkeley.

JOHNSON, Karen A. '81 started her own law practice this year in Beverly Hills.

JOLLEY, Elizabeth '84 is working as a research attorney for Judge Roy Wonder, Law & Motion Department, San Francisco Superior Court. In September, 1985 she will be a law clerk for Justice Malcolm Lucas on the California Supreme Court.

KAWACHI, Cynthia Y. '82 reports, "Wedding bells will ring in June 1985." Cynthia is with the district attorneys office, Los Angeles County.

KANEDA, Robert '82 "I am giving up the practice of law (sob!) to join the Foreign Service of the U.S. Department of State, effective, January 1985. Robert resides in Washington, D.C.

KIM, Dennis H.J. '82 is now the father of 2 beautiful girls. "I have a rapidly growing civil litigation practice, emphasizing serious injury cases."

KIM, Soung Soo '80, "6 Hastings graduates are very active in international business transactions law. Professor Frolik's course has been very helpful. Stop by Seoul during your Asian trip."

LEAHY, Jeremiah J. '81 is continuing to represent plaintiffs in wrongful death cases and in bad faith insurance cases. Leahy & Liberman, Burlingame, recently opened a second office in Groveland, California as they celebrated their second anniversary.

LIBERMAN, Eric '81 has had an appellate decision published in Vol. 139 of the California Appellate Reports on page 431. He continues to represent indigent defendants in San Mateo County.

LEWIS, Rose-Eve E. '80 established Zerbe, Buck & Lewis as of January 1, 1985. She is a partner with Carl Zerbe and Gwendolen S. Buck.

MANOS, Jerry Robert '81 opened his own law firm as of January 15, 1985. He looks forward to a successful and exciting venture. The office is located in Burlingame.

MIEDE, Debbie L. '81 has been appointed vice president and corporate counsel for Beverly Hills Savings and Loan Association.

O'MALLEY, Brian '83 is working for the Walnut Creek branch of Glaspy, Elliot, Creech, McMahon, Rotl & Reed. "I'm reasonably content considering who's president."

SEGAL, Lynne Newhouse '80 has returned to Hastings College of the Law as a specialist in community relations and development out of the Alumni Relations Office.

SEKIMURA, Gerald T. '80 has become a member of the firm of Limbach, Limbach & Sutton, San Francisco.

SENA, Cheryl '84 is with Hersh & Hersh, San Francisco.

SMITH, Suzanne M. '82 has left Dinkelspiel & Dinkelspiel and is now an associate at Pillsbury, Madison & Sutro. She is continuing to specialize in bankruptcy organizations and creditor/debtor workouts and litigation.

SOBEL, G. Scott '84 was admitted to the Alaska bar in November 1984. He was Assistant District Attorney in Anchorage and transferred to Fairbanks in December 1984 as District Attorney. Later in the year, 1985, he will transfer to Barrow "the top of the world."

SPEAR, Suzanne Claire '84 is with Pillsbury, Madison & Sutro.

WELSH, Len '83 is an associate with Steven Kazan, A Law Corporation in Oakland handling plaintiff's PI, primarily toxic torts.

WOOD, Carolyn M. '81 has become a partner in the law firm of Thorpe & Wood, San Francisco specializing in family law.

WILD, Philip '81 left the firm of Proskauer, Rose, Goetz & Mendelsohn, New York, to become an inside corporate counsel for Arista Records, Inc. specializing in music law and contract negotiation.

YOUNG, Timothy E. '81 has moved to Dallas to join Winstead, McGuire, Sechrist & Minick where he is concentrating on oil and gas finance and real property.

THE HASTINGS COMMUNITY

Editor: Sharon M. Rafter

The Hastings Community is published for alumni, faculty, students, staff, donors and friends of Hastings College of the Law. Correspondence should be addressed to the Editor, 200 McAllister Street, San Francisco, CA 94102-4978

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